

IMMIGRATION PROBLEM—1928



MAY 1928

The Immigration Problem—1928

How the Present Law is Operating

Important Changes Before Congress

Articles by—

Hon. W. W. Husband, Assistant Secretary of Labor

Hon. Harry E. Hull, Commissioner General of Immigration

Hon. Albert Johnson, Chairman, House Committee on Immigration

Pro and Con—

Shall the Quota Law be Applied to Mexico?

Regular Departments

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The Congressional Digest

May - 1928

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❧ LEGISLATIVE DEPARTMENT ❧

THE PRO AND CON FEATURE    ACTION BY HOUSE AND SENATE    LEGISLATIVE NEWS ITEMS

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THE PRO AND CON FEATURE:

The Immigration Problem—1928

Some Important Immigration Terms Explained—by the Assistant Secretary of Labor
An Analysis of Our Present Immigration Laws—by the U. S. Commissioner General of Immigration
A Survey of Pending Immigration Legislation—by the Chairman of the House Committee on Immigration
Should Our Immigration Quota Law be Applied to Mexico?—with Pro and Con Arguments

Historical Data on Immigration

A COMPLETE chronology of the development of America's immigration policy from colonial days down to 1923 was presented in an earlier number of THE CONGRESSIONAL DIGEST, July, 1923. This number also contains many other signed articles covering important phases of the immigration question at that time, and will be found valuable to a more thorough study of this extensive question. Copies may be had at 75 cents each, the regular rate for back copies.

Immigration and the U. S. Constitution

THE Constitution of the U. S. confines itself to the following brief paragraph on the subject of immigration:
Art. I, Sec. 9, Par. 1—The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress

prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

The Subject of Naturalization

ANOTHER paragraph in this Article and Section of the Constitution refers to the subject of Naturalization as follows:

Art. I, Sec. 8, Par. 4—The Congress shall have power to establish a Uniform Rule of Naturalization.

After the immigrant passes through the port of entry he is lost sight of officially until he applies for citizenship. The process of the alien's naturalization and Americanization is a subject separate from immigration, though closely allied to it, and will be treated in a separate number of the CONGRESSIONAL DIGEST at a date to be announced later.—*Editor's Note.*

A Glossary of Immigration Terms

by Hon. W. W. Husband

Assistant Secretary, United States Department of Labor

Alien—A person not holding allegiance in any form to the U. S. An alien under the immigration laws includes any individual not a native born or naturalized citizen of the U. S., but this definition does not include citizens of islands under the jurisdiction of the United States.

Application for Admission—This term has reference to application for admission to the United States and not to an application for the issuance of the immigration visa.

Application for a Visa—This term has reference to the written application of a prospective immigrant to a consular officer of the United States for an immigration visa.

Board of Review—The agency provided by the Secretary of Labor to review the evidence and law in particular cases coming before the Department of Labor that he may be fully advised on details necessary to proper administrative decisions.

Border Patrol—When used in connection with the immigration question the border patrol is a body of men employed by the Bureau of Immigration of the Department of Labor to patrol the Canadian and Mexican borders and certain parts of the seacoast to prevent the unlawful entry of aliens.

Contract Labor—Foreign labor that comes to America on the strength of a promise or contract for employment. To contract in advance for the employment of foreign labor is forbidden under the existing law.

Criminal—Under the immigration laws a criminal is an alien who admits the commission of a crime or has been convicted of crime involving moral turpitude in his native land or who is convicted of such a crime after he reaches the United States.

Deportation—The sending back to his own country of an immigrant who has entered America unlawfully or who has so conducted himself after arrival as to be subject to the deportation provisions of the Immigration laws.

Dossier—Literally a bundle of papers. An immigrant's dossier means his passport, visa and other papers necessary to his admission to the United States.

Emigrant—One who goes from a country with intention of establishing residence elsewhere.

Exclusion—The forbidding of entry to aliens as provided in the Immigration laws.

Immigrant—One who comes to one country from another with the aim to make his permanent residence in the former.

Immigrant Student—That class of student exempted from quota limitations, under the provisions of the Immigration laws.

Immigration Visa—An immigration visa is a document issued by a consular officer of the United States to an alien designated as an immigrant under the provisions of the immigration law. It does not entitle an immigrant to admission to the U. S. but merely shows that his desire to depart from his own country for the U. S. and present himself to final inspection in the U. S. has been approved by the consular officer to whom he has applied.

National Origins—The assignment of immigration quotas to particular countries on the basis of the composite popula-

tion of the United States on the last census date. That is, a system of quota allocation which is intended to take into account not only the number of persons of particular nationality in America on a given date, as is the present practice, but to give credit to all nationalities for their original contribution of population plus immigration since and subsequent increase of population by birth rate of such nationalities, as is indicated in each following decennial census. (See Sec. 11, Act of May 26, 1924.)

Naturalization—The act, by a foreigner, of becoming a citizen of the United States under the Naturalization laws.

Non-Immigrant—There are six classes of non-immigrants: (1) A foreign government official, his family, attendants, servants or employees; (2) an alien visiting the United States temporarily as a tourist or temporarily for business or pleasure; (3) an alien in continuous transit through the United States; (4) aliens lawfully admitted to the United States who later goes in transit from one part of the United States to another through foreign contiguous territory; (5) a bona fide alien seaman serving as such on a vessel arriving at a port of the United States and seeking to enter temporarily the United States solely in the pursuit of his calling as a seaman, and (6) an alien entitled to enter the United States solely to carry on trade under and in pursuance of a present existing treaty of commerce and navigation.

Non-Preference—The status of an alien subject to quota limitation who has no claim to preference in his application for immigration visa.

Non-Quota Immigrant—There are five classes of non-quota immigrants: (1) The unmarried child under 18 years old or the wife of a citizen of the United States who resides therein and petitions the Department of Labor, under the provisions of the immigration law, for their admission; (2) an immigrant previously lawfully admitted to the United States who is returning from a temporary visit abroad; (3) an immigrant who was born in Canada, Newfoundland, Mexico, Cuba, Haiti, the Dominican Republic, the Canal Zone, or an independent country of Central or South America and his wife, his unmarried children under 18 years of age, if accompanying or following to join him; (4) an immigrant who continuously for two years prior to his application for admission to the United States has been and who seeks to enter for the purpose of carrying on the vocation of minister of any religious denomination, or professor of a college, academy, seminary, or university and his wife and unmarried children under 18 years old if accompanying him or following to join him; (5) an immigrant who is a bona fide student at least 15 years of age seeking to enter the United States solely for the purpose of study at an accredited college, school or other educational institution, particularly designated by him and approved by the Secretary of Labor, which shall have agreed to report to the Secretary of Labor the termination of attendance of each immigrant student, and such institution fails to so report, the approval shall be withdrawn.

Continued on page 178

America's Immigration Restriction Policy

An Official Analysis of How the Law Operates

Those Excluded—Exceptions—Quota Law—Inspection Abroad—Method of Entry—Deportation

by Hon. Harry E. Hull

U. S. Commissioner General of Immigration



UR immigration laws as they stand today, cover two general classes of aliens, first, those whom we exclude, regardless of nationality, because of some disqualification, mental, moral, physical or racial; second, those who are natives of countries upon which we place a numerical restriction coming in excess of those quotas.

Under the present law, an alien is any person not a native-born or naturalized citizen of the United States. Citizens of the islands under the jurisdiction of the United States are considered citizens for immigration purposes. An alien is subject to the requirements of the immigration laws upon each and every entry from a foreign country, regardless of the length of stay, and no assurance of admission or readmission can be given in advance. The following classes are excluded:

1. Idiots, imbeciles, feeble-minded or mentally defective persons, epileptics, insane persons, persons of constitutional psychopathic inferiority, chronic alcoholics, persons afflicted with tuberculosis, or any loathsome or dangerous contagious disease.

2. Persons not within the above classes, who are physically defective, such defect being of a nature which may affect ability to earn a living; paupers, professional beggars, vagrants, persons likely to become a public charge, and children under 16 years of age, unaccompanied by or not destined to either parent.

3. With certain specific exceptions, persons seeking admission within one year from date of previous exclusion or deportation, unless permission to reapply has been obtained from the Department; persons whose tickets or passage is paid for with the money of another, or who have been assisted by others to come; stowaways; with certain exceptions; aliens ineligible to citizenship; natives of certain geographically defined territory in Asia, and certain islands of the Pacific; persons who have arrived in Canada or Mexico by steamship lines (which have not entered into contract with the Government to do certain things required of steamships bringing aliens to the United States) who within two years after arrival, make application for entry into the United States; aliens coming in consequence of advertisements, printed, published or distributed in a foreign country.

4. Criminals, polygamists or persons who believe in the practice of polygamy, anarchists, or believers in the violent overthrow of the Government of the United States or of organized government, members of immoral classes.

5. Contract laborers, except professional actors, artists, lecturers, singers, nurses, ministers, professors, members of a recognized learned profession, domestics and those whose importation within certain restrictions can be authorized by the Secretary of Labor.

6. Aliens over 16 years of age unable to read the English language or some other language or dialect, except:

(a) Persons physically incapable of reading.

(b) Any admissible alien or alien heretofore or hereafter legally admitted or any citizen of the United States may bring in or send for his father or grandfather over 55 years of age, his wife, mother, grandmother, or his unmarried or widowed daughter, who, if otherwise admissible, may be admitted whether such relative can read or not.

(c) Persons seeking admission to the United States to avoid religious persecution in the country of their last permanent residence.

(d) Aliens who have been lawfully admitted to, and who have resided in, the United States continuously for five years, and who return within six months from the date of departure.

(e) Persons in transit through the United States.

(f) Exhibitors and employees of fairs and expositions authorized by Congress.

7. Immigrants without American consular immigration visas, except:

(a) Holders of permits to reenter the United States.

(b) Residents returning within six months from Canada, Mexico, Bermuda, Cuba, and certain other adjacent countries.

(c) Child born subsequent to issuance of immigration visa to accompanying parent.

(d) Child born during the temporary visit abroad of an alien parent holding a non-quota, returning-resident immigration visa or a permit to reenter.

(e) Under prescribed conditions, certain classes of aliens who have been previously legally admitted and who are returning from a temporary visit abroad.

Upon arrival at a port of entry the Secretary of Labor may order the admission of an otherwise excluded alien returning after a temporary absence to an unrelinquished United States domicile of seven consecutive years. He may likewise direct the temporary admission of any alien excluded. Aliens excluded upon any ground or grounds other than those named in Paragraph One may appeal to the Secretary, who may if the exclusion is not considered justified by the laws and the facts reverse the excluding decision or modify it.

The end of the World War found literally millions of aliens abroad searching for a way to escape their unenviable surroundings and enter the United States, where they believed unlimited opportunity existed. Prior to the World War immigration had exceeded 1,000,000 per year during several years, and we had every reason to believe that owing to conditions in Europe as a result of the War, the tide of immigration coming to our shores would far exceed all previous records. Our people felt that the period in which this country could safely receive such enormous numbers of immigrants had passed and that our prosperity would be seriously threatened if we did not limit the volume to the number we could safely assimilate within a reasonable time.

Accordingly, in May, 1921, Congress rather hurriedly passed the first quota law. The Immigration Act of May 26, 1924, upon the basis of which we largely operate at the present time, is the third effort of Congress to limit numerically the annual influx of aliens. The general tendency of these laws has been towards increased restriction.

The present quota law places no limit upon natives of the Dominion of Canada, Newfoundland, Mexico, Cuba, Haiti, the Dominican Republic, Canal Zone and the independent countries of Central and South America, nor their wives or unmarried children under eighteen years of age accompanying or following to join them; nor upon a minister of any religious denomination, or professor of a college, academy, seminary or university, provided that for the two years immediately preceding his application for admission he has been such and seeks to enter for the purpose of carrying on his vocation, nor upon his wife and unmarried children under eighteen years of age if accompanying or following to join him.

We do, however, restrict the number of immigrants that may come in each year from the countries of the Old World, to two per cent of the citizens of each quota country who were in the United States according to the census of 1890. This allows approximately 164,500 quota aliens to enter the United States permanently yearly.

Preference under the quota is given to skilled agriculturists, their wives and dependent children under sixteen years of age, if accompanying or following to join them, and to the unmarried child under twenty-one years of age, the father, the mother, the husband or the wife of a citizen of the United States who is twenty-one years of age or over. An alien native of a quota country who is the unmarried child under eighteen years of age or the wife of a citizen of the United States is entitled to a non-quota visa. This has resulted in large numbers of alien residents becoming citizens of the United States.

Chinese laborers are excluded from entry into the United States by the Immigration Act of 1882, as amended from time to time. Section 3 of the Act of February 5, 1917, defines certain territory in Asia and certain islands of the Pacific as the "Asiatic Barred Zone." Natives of this region with certain exceptions are barred from admission.

The passage of the Quota Act enormously increased the burden placed upon the Bureau of Immigration. We maintain a border patrol covering over 5,000 miles of land and sea border to prevent and detect the smuggling of aliens. With our immigration restricted to 164,500 quota aliens yearly, we find great numbers attempting to secure surreptitious entry because they realize it will not be possible for them to enter within the quota for many years to come. The United States today occupies an enviable position, economically; living conditions for the wage-earner are better than in any other country of the world. We are deporting monthly over 1,000 aliens found to have entered unlawfully or to have committed acts rendering them subject to removal.

Applicants for admission who are not clearly and beyond a question of doubt entitled to admission are given hearings before Boards of Special Inquiry. Records must be kept of the proceedings, and every alien is given a fair chance to prove his right to be admitted to the country. The alien unless he is mandatorily excludable has the right to appeal from an adverse decision, and in case he does appeal the entire record is sent to Washington, where it is passed upon by a Board of Review in the Department. The alien is given every opportunity to be heard and any additional information he may be able to give or any facts he may desire to present are considered before any decision is made.

Fines running into hundreds of thousands of dollars are imposed upon steamship companies that fail to comply with the law.

I feel free to say that the Bureau is understaffed, undermanned, underpaid, and overworked.

The entire field force of the Service is 2,850 employees. There are about 840 immigrant inspectors and about 780 border patrol employees. The rest of the organization is made up of interpreters, clerks, bookkeepers, telephone operators, guards, engineers, firemen, deckhands, pilots, carpenters, janitors and various artisans and laborers.

The practice of stationing immigration officials abroad to assist American consuls in the examination of aliens prior to their embarkation for the United States was established in 1925. These immigration officials are known as technical advisers, and at the present time are stationed at the American consulates in Great Britain, Irish Free State, Norway, Denmark, Holland, Sweden, Belgium, Germany, Italy, Czechoslovakia and Poland. The system is being extended to other countries, and very shortly over 95 per cent of European immigrants will be primarily examined abroad. In order to establish this system it was necessary to negotiate with foreign governments. The system has now been in effect long enough to demonstrate its wisdom and humanity, and foreign governments in whose territory our officials have been making their inspection have been quick to appreciate its merits. How well this system has worked, the figures show. The records of the Bureau indicate that in the three years prior to the inauguration of the foreign inspection service, that is to say, the fiscal years 1922, 1923 and 1924, out of every 1,000 arrivals there were debarred fourteen, eleven and fifteen, respectively. In the fiscal year 1925, the first in which examination abroad occurred, twelve aliens per 1,000 were debarred upon reaching the United States, and during the fiscal years 1926 and 1927, during which technical advisers of the immigration service assisted in the work, the ratio of those debarred to each 1,000 aliens arriving dropped to six and four, respectively. These figures apply to Europe as a whole, and include those countries to which no technical advisers have been assigned. The Bureau's records show that less than one in each 1,000 arrivals are debarred from those countries where technical advisers pass upon the admission prior to the alien's sailing.

Under the Immigration Act of May 26, 1924, an alien desiring to enter the United States must first apply to an American Consul stationed in the country of the immigrant and nearest his place of residence for an immigration visa. This visa must specify whether the alien is a quota or non-quota immigrant, and furnish other material information.

The applicant must pass a medical examination, and may be required to furnish evidence of good moral character. The applicant must furnish two copies of his photograph for purposes of identification, one of which is permanently attached to the visa. The validity of a visa expires on a given date, not to exceed four months from the date of issue. If an immigrant sails for America before the date of the expiration of his visa and lands in America after that date the validity of his visa is not considered to have expired, provided he has been on a continuous voyage. And provided that the visa had not expired before the departure of the vessel from the last port outside of the United States.

An American consul is forbidden to issue an immigration visa if it appears to him that the applicant is inadmissible to the United States under the immigration laws. Nor does the issue of a visa entitle the immigrant to enter the United States if upon arrival facts are developed which show him to be inadmissible. A warning to this effect is printed upon every immigration visa. This immigration visa is sur-

rendered by the immigrant upon arrival and is forwarded to Washington, where it becomes a permanent record of the Bureau of Naturalization.

Within certain time limitations any alien may be deported if it is found that he was not entitled to enter or to remain in the United States, or if he so conducts himself after his arrival as to warrant deportation under the law.

We have many aliens who are unlawfully in the United States. Various estimates have been made as to the number, some running as high as 3,000,000. Regardless of the number the problem presented is enormous, and the danger to our institutions is real. These aliens illegally in the country are divided into several classes, those illegally here because at the time of their entry they were not entitled to enter the United States, which include those entering surreptitiously; those securing entry by means of false and misleading statements and those who arrived as seamen and deserted their vessels or were discharged at the port of arrival and abandoned their calling; and those who were originally lawfully admitted, but have since become public charges, or have been sentenced for the commission of one or more crimes involving moral turpitude, or have done other things in violation of our hospitality.

It has been estimated that about 100,000 aliens are at the present time in various institutions being maintained at the expense of the State or Federal Government. The financial saving to the country in deporting aliens of this class is enormous, and the Bureau should be given every possible assistance in ridding the country of them.

The problem presented by those who have entered without inspection is serious because they cannot qualify for citizenship. Many of these remain beyond the statutory period within which deportation is possible, and we are brought face to face with the question of what we are going

to do with them. Clearly we cannot make them depart from the country and reapply for admission in accordance with existing law; they have no legal status as residents of the country and no lawful domicile, and are consequently an indigestible mass. Not even so great a country as the United States can afford to have such a considerable element of its population withheld from assimilation and citizenship. The view of the Department is that no authority exists under present law for administrative officials to correct the status of this large number, and it remains a problem that future legislation must solve.

The aliens who entered prior to July 1, 1924, by means of false and misleading statements, or who smuggled in by water, or over land borders, etc., are not, generally speaking, deportable.

The Act of May 26, 1924, provides for the deportation of any alien who thereafter gains unlawful admission regardless of the lapse of time; let me say at this point that no alien is deported from the United States without a fair hearing, and he is given every opportunity to show cause, if any there be, why he should not be deported. Every possible safeguard is placed about the alien to assure him justice. The task before us is an enormous one but we are doing all we possibly can with the money and facilities at our command.

The immigration law is with us to stay. It has passed the experimental stage, and my appeal to the American citizen is to study the problem with clear vision and the welfare of our country in view. While we should and do treat the aliens within our gates with the utmost consideration consistent with law, we must not lose sight of the fact that our first concern must be our self-preservation, and in this restrictive policy lies our self-preservation as a race and a nation.

Foreign Nations to Which the Quota Law Applies

THE Immigration Act, approved May 26, 1924, provided that the Secretary of State, the Secretary of Commerce and the Secretary of Labor should prepare annually a statement for the President showing the quota of each nationality entitled to immigration visas under the law.

On June 30, 1924, the first annual report of the Secretaries was delivered to the President and on that date President Coolidge issued a proclamation declaring the quotas of each nation named in the law as a quota country.

Under the Act of 1924 the previous basis for computing quotas was changed in two respects. The old law took as a basis the foreign-born persons in the United States as shown by the census of 1910, while the 1924 law takes as a basis the number shown by the census of 1890. The old law applied 3 per cent of the census enumeration of 1910 whereas the new law applies 2 per cent of the census enumeration of 1890. The minimum quota of any nationality is 100.

The 1924 law provided for the application of the "National origins" basis for determination of quotas to go into effect in 1927, but this application was postponed for one year by Act of Congress in 1927 and postponed for another year by Act of Congress in 1928. Therefore the original quotas of 2 per cent of the census enumeration of 1890 has been annually proclaimed by the President as being in effect.

The list of quota countries and the quota of each under the present law follows:

Afghanistan	100	Luxemburg	100
Albania	100	Monaco	100
Andorra	100	Morocco	100
Arabian peninsula	100	Muscat (Oman)	100
Armenia	124	Nauru	100
Australia	121	Nepal	100
Austria	785	Netherlands	1,648
Belgium	512	New Zealand	100
Bhutan	100	Norway	6,453
Bulgaria	100	New Guinea	100
Cameroon (Brit.)	100	Palestine	100
Cameroon (Fr.)	100	Persia	100
China	100	Poland	5,982
Czechoslovakia	3,073	Portugal	503
Danzig, Free City of..	228	Ruanda and Urundi..	100
Denmark	2,789	Rumania	603
Egypt	100	Russia, Europe, Asia..	2,248
Ethiopia	124	Samon, Western	100
Ethiopia (Abyssinia)..	100	San Marino	100
Finland	471	Siam	100
France	3,954	South Africa, Union of	100
Germany	51,227	South West Africa....	100
Gr. Brit., No. Ire.	34,007	Spain	131
Greece	100	Sweden	9,581
Hungary	473	Switzerland	2,581
Iceland	100	Syria and The Lebanon	100
India	100	Tanganyika	100
Iraq	100	Togoland	100
Irish Free State	28,567	Togoland	100
Italy	3,845	Turkey	100
Japan	100	Yap	100
Latvia	142	Yugoslavia	671
Liberia	100		
Liechtenstein	100	Total	164,607
Lithuania	344	(From quota countries)	

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The practice of stationing immigration officials abroad to assist American consuls in the examination of aliens prior to their embarkation for the United States was established in 1925. These immigration officials are known as technical advisers, and at the present time are stationed at the American consulates in Great Britain, Irish Free State, Norway, Denmark, Holland, Sweden, Belgium, Germany, Italy, Czechoslovakia and Poland. The system is being extended to other countries, and very shortly over 95 per cent of European immigrants will be primarily examined abroad. In order to establish this system it was necessary to negotiate with foreign governments. The system has now been in effect long enough to demonstrate its wisdom and humanity, and foreign governments in whose territory our officials have been making their inspection have been quick to appreciate its merits. How well this system has worked, the figures show. The records of the Bureau indicate that in the three years prior to the inauguration of the foreign inspection service, that is to say, the fiscal years 1922, 1923 and 1924, out of every 1,000 arrivals there were debarred fourteen, eleven and fifteen, respectively. In the fiscal year 1925, the first in which examination abroad occurred, twelve aliens per 1,000 were debarred upon reaching the United States, and during the fiscal years 1926 and 1927, during which technical advisers of the immigration service assisted in the work, the ratio of those debarred to each 1,000 aliens arriving dropped to six and four, respectively. These figures apply to Europe as a whole, and include those countries to which no technical advisers have been assigned. The Bureau's records show that less than one in each 1,000 arrivals are debarred from those countries where technical advisers pass upon the admission prior to the alien's sailing.

Under the Immigration Act of May 26, 1924, an alien desiring to enter the United States must first apply to an American Consul stationed in the country of the immigrant and nearest his place of residence for an immigration visa. This visa must specify whether the alien is a quota or non-quota immigrant, and furnish other material information.

The applicant must pass a medical examination, and may be required to furnish evidence of good moral character. The applicant must furnish two copies of his photograph for purposes of identification, one of which is permanently attached to the visa. The validity of a visa expires on a given date, not to exceed four months from the date of issue. If an immigrant sails for America before the date of the expiration of his visa and lands in America after that date the validity of his visa is not considered to have expired, provided he has been on a continuous voyage. And provided that the visa had not expired before the departure of the vessel from the last port outside of the United States.

An American consul is forbidden to issue an immigration visa if it appears to him that the applicant is inadmissible to the United States under the immigration laws. Nor does the issue of a visa entitle the immigrant to enter the United States if upon arrival facts are developed which show him to be inadmissible. A warning to this effect is printed upon every immigration visa. This immigration visa is sur-

rendered by the immigrant upon arrival and is forwarded to Washington, where it becomes a permanent record of the Bureau of Naturalization.

Within certain time limitations any alien may be deported if it is found that he was not entitled to enter or to remain in the United States, or if he so conducts himself after his arrival as to warrant deportation under the law.

We have many aliens who are unlawfully in the United States. Various estimates have been made as to the number, some running as high as 3,000,000. Regardless of the number the problem presented is enormous, and the danger to our institutions is real. These aliens illegally in the country are divided into several classes, those illegally here because at the time of their entry they were not entitled to enter the United States, which include those entering surreptitiously; those securing entry by means of false and misleading statements and those who arrived as seamen and deserted their vessels or were discharged at the port of arrival and abandoned their calling; and those who were originally lawfully admitted, but have since become public charges, or have been sentenced for the commission of one or more crimes involving moral turpitude, or have done other things in violation of our hospitality.

It has been estimated that about 100,000 aliens are at the present time in various institutions being maintained at the expense of the State or Federal Government. The financial saving to the country in deporting aliens of this class is enormous, and the Bureau should be given every possible assistance in ridding the country of them.

The problem presented by those who have entered without inspection is serious because they cannot qualify for citizenship. Many of these remain beyond the statutory period within which deportation is possible, and we are brought face to face with the question of what we are going

to do with them. Clearly we cannot make them depart from the country and reapply for admission in accordance with existing law; they have no legal status as residents of the country and no lawful domicile, and are consequently an indigestible mass. Not even so great a country as the United States can afford to have such a considerable element of its population withheld from assimilation and citizenship. The view of the Department is that no authority exists under present law for administrative officials to correct the status of this large number, and it remains a problem that future legislation must solve.

The aliens who entered prior to July 1, 1924, by means of false and misleading statements, or who smuggled in by water, or over land borders, etc., are not, generally speaking, deportable.

The Act of May 26, 1924, provides for the deportation of any alien who thereafter gains unlawful admission regardless of the lapse of time; let me say at this point that no alien is deported from the United States without a fair hearing, and he is given every opportunity to show cause, if any there be, why he should not be deported. Every possible safeguard is placed about the alien to assure him justice. The task before us is an enormous one but we are doing all we possibly can with the money and facilities at our command.

The immigration law is with us to stay. It has passed the experimental stage, and my appeal to the American citizen is to study the problem with clear vision and the welfare of our country in view. While we should and do treat the aliens within our gates with the utmost consideration consistent with law, we must not lose sight of the fact that our first concern must be our self-preservation, and in this restrictive policy lies our self-preservation as a race and a nation.

Foreign Nations to Which the Quota Law Applies

THE Immigration Act, approved May 26, 1924, provided that the Secretary of State, the Secretary of Commerce and the Secretary of Labor should prepare annually a statement for the President showing the quota of each nationality entitled to immigration visas under the law.

On June 30, 1924, the first annual report of the Secretaries was delivered to the President and on that date President Coolidge issued a proclamation declaring the quotas of each nation named in the law as a quota country.

Under the Act of 1924 the previous basis for computing quotas was changed in two respects. The old law took as a basis the foreign-born persons in the United States as shown by the census of 1910, while the 1924 law takes as a basis the number shown by the census of 1890. The old law applied 3 per cent of the census enumeration of 1910 whereas the new law applies 2 per cent of the census enumeration of 1890. The minimum quota of any nationality is 100.

The 1924 law provided for the application of the "National origins" basis for determination of quotas to go into effect in 1927, but this application was postponed for one year by Act of Congress in 1927 and postponed for another year by Act of Congress in 1928. Therefore the original quotas of 2 per cent of the census enumeration of 1890 has been annually proclaimed by the President as being in effect.

The list of quota countries and the quota of each under the present law follows:

Afghanistan	100	Luxemburg	100
Albania	100	Monaco	100
Andorra	100	Morocco	100
Arabian peninsula	100	Muscat (Oman)	100
Armenia	124	Nauru	100
Australia	121	Nepal	100
Austria	785	Netherlands	1,048
Belgium	512	New Zealand	100
Bhutan	100	Norway	6,453
Bulgaria	100	New Guinea	100
Cameroon (Brit.)	100	Palestine	100
Cameroon (Fr.)	100	Persia	100
China	100	Poland	5,982
Czechoslovakia	3,073	Portugal	503
Danzig, Free City of..	228	Ruanda and Urundi..	100
Denmark	2,789	Rumania	603
Egypt	100	Russia, Europe, Asia..	2,248
Estonia	124	Samoa, Western	100
Ethiopia (Abyssinia) ..	100	San Marino	100
Finland	471	Siam	100
France	3,954	South Africa, Union of	100
Germany	51,227	South West Africa....	100
Gr. Brit., No. Ire.	34,007	Spain	151
Greece	100	Sweden	9,561
Hungary	473	Switzerland	2,561
Iceland	100	Syria and The Lebanon	100
India	100	Tanganyika	100
Iraq	100	Togoland	100
Irish Free State	28,567	Togoland	100
Italy	3,845	Turkey	100
Japan	100	Yap	100
Latvia	142	Yugoslavia	671
Liberia	100		
Liechtenstein	100	Total	164,067
Lithuania	344	(From quota countries)	

How Present Congress Is Dealing With Proposals to Change Immigration Law

by Hon. Albert Johnson

Chairman, House Committee on Immigration



WHEN the Seventieth Congress convened in December, 1927, its meeting was marked by the immediate introduction of a number of bills and resolutions to amend the immigration laws. The proposals contained in these measures varied all the way from those to stop immigration altogether for a period of ten years to those intended to pave the way to practical abolition of all immigration restriction. In between these extremes were many measures which advocated various modifications of the present law.

Standing out among the hundred or more bills and resolutions referred to the House Committee on immigration and naturalization were a few that were more or less pressing. While not neglecting any sound measures whose proponents sincerely seek to work what they honestly consider improvements in the present laws, the committee has given its consideration at this session chiefly to those measures the committee members felt most deserved immediate attention.

In the opinion of the committee the questions which seemed most pressing were: Whether to further postpone or to permit to go into effect this year the national origins provision of the Immigration Act of 1924; the working out of modifications of the law to ameliorate the conditions surrounding the reuniting of families; exemption from the laws of American Indians born in Canada; the application of the quota laws to countries of the Western Hemisphere, notably Mexico; strengthening the deportation laws; providing increased funds for the Bureau of Immigration, and improving certain methods of handling immigrants incident to the carrying out of the laws by the Department of Labor.

National Origins

The national origins method of computing the annual immigration quotas of the quota countries was provided for in the Act of 1924, which declared that this method should go into effect three years after the passage of the Act, or in 1927. The Act of 1924 also provided that the Secretaries of State, Commerce and Labor should make a study of the census figures and report to the President the quota each country was entitled to under the national origins plan. This report was made but neither the officials of the three departments assigned to the preparation of the report nor the members of Congress were completely satisfied with the results of the report. Consequently, to prevent premature application of the national origins plan, which would otherwise have automatically occurred on July 1, 1927, by proclamation of the President, Congress, in 1927, passed a joint resolution postponing that application for one year.

The same dissatisfaction with further reports of the three departments was felt this year and again the application of the national origins method was postponed for a year. This was accomplished by the adoption of Senate Joint Resolution 113, offered by Senator Johnson of California, which passed the Senate March 20 and the House March 29, 1928.

It is my opinion that the question of applying the national origins plan will be settled once and for all, one way or the other, at the next session of Congress. Under the recent

postponement resolution its application is put off until July 1, 1929, and if no further action is taken by Congress the original provision of the Act of 1924 will become operative and the President will be called upon, under that law, to issue a proclamation on April 1, 1929, putting the national origins plan into effect.

The second session of the Seventieth Congress, the short session, will automatically come to an end on March 4, 1929, and I doubt if the members of Congress will be willing to adjourn with the knowledge that unless they take action the national origins plan will be put into effect while Congress is in recess. Consequently I look for a showdown vote on whether to apply the national origins plan or to definitely repeal the section of the Act of 1924 providing for it.

American Indians

Congress has also passed at this session the bill of Senator King of Utah, S. 716, to exempt from the operations of the immigration laws American Indians born in Canada. The King bill was passed by the Senate on March 20 and by the House on March 29. This change in the law, recommended by President Coolidge in his annual message to Congress, was deemed necessary to prevent the further working of hardships on members of Indian tribes living along the Canadian border who have long been accustomed from time to time to move backwards and forwards across the border.

Resolutions and bills for the further postponement of the national origins provision and in behalf of the Indians had been introduced in the House, but the Senate measures were reported by the House Committee and passed by the House for the sake of expedition.

President Coolidge also recommended in his message to Congress that the provisions of the present law be so modified as to provide for the reuniting of families of immigrants when either the husband or wife is in this country. Several bills putting this thought into effect were introduced in both Houses of Congress at this session.

Reuniting Families

On April 19, Representative Thomas A. Jenkins, of Ohio, a member of the committee on immigration and naturalization, was authorized by the committee to report his bill, H. R. 12816, covering this question. The bill is on the House calendar.

"Recognizing that restriction of immigration is an accepted national policy, and further realizing that a happy family life is the cornerstone of Americanism," Mr. Jenkins stated in his formal report, "it is believed that H. R. 12816 gives the maximum relief to families that can be provided without extending the quotas, and, at the same time, it lets down the bars to the very minimum."

As explained by Mr. Jenkins in his report, this bill amends section 4 and section 6 of the immigration law. No other sections are involved. Under section 4, as it now reads, "the unmarried child under 18 years of age or the wife of a citizen" is admitted outside the quota. The husband is not included in this language. It is argued with much force that

the age limit should be increased to 21 years and that the husbands should be included with the wives. There was much sentiment for this change when the original quota law was adopted. It is claimed that if a citizen husband is entitled to have his wife come in nonquota, a citizen wife should have her husband come in nonquota. It is claimed that in these modern days unmarried children between the ages of 18 and 21 are usually finishing their education and should not be separated from their parents. These are the arguments for this bill as made by those who favored reuniting the families. If this bill becomes a law, it is hoped that it will become a permanent part of the quota law.

As to how many will be entitled to admission by reason of the change in Section 4 there is some uncertainty. The Department of State has made a survey of the situation and it is estimated if this proposed amendment had been in the original law, 8,261 children and husbands would have been entitled to admission from July 1, 1924, to March 1, 1928, or a little over 2,000 per year. Of this number only a small percentage would have been husbands who would have found their way into the field of production in opposition to producers already here. It is claimed that the number admitted under this amendment will decrease rapidly and that within four or five years the number will be much smaller. The reason for this claim is that the amendment to Section 6, as provided in H. R. 12816, will relieve the situation more rapidly. For under Section 6, if amended, an immigrant lawfully admitted for permanent residence may bring his wife and children in at any time that they can be reached by the quota. He must be able to show his lawful entry for permanent residence. Under this section he will not be compelled to wait until he becomes a citizen, as is the case under the present law, which offers no relief to any one but citizens.

The principal relief for reuniting families is found in the amendment of Section 6. After taking from Section 6 "the children between the ages of 18 and 21" and the "husbands" there remains the "fathers and mothers of citizens" and the "agriculturists." These last two classes are kept in Section 6 and given the same priority of preference as before. In fact, their preference chances are increased by reason of the removal of the other classes above mentioned from this section. Section 6 at present sets aside 50 per cent of the quota as preferences. No part of that is given to the families of immigrants lawfully within the country for permanent residence. This is the great class that has touched the heart of our people. There is no gainsaying the argument that families should be united. At the same time it must be remembered that the responsibility for the severance of these family ties must be placed upon the head of the family himself. However that may be, we are confronted with a condition that needs attention. This amendment to Section 6 sets apart the remaining 50 per cent of the quota for the "unmarried children under 21 years of age, the husbands, or the wives of aliens lawfully admitted to the United States for permanent residence." In addition, this class is entitled to any portion of the other 50 per cent not used by the parents and agriculturists. As there are very few agriculturists coming from the countries where the question of reuniting families is acute, practically all the quota is devoted to the reuniting of families. The preference to agriculturists does not apply in countries with quotas of less than 300.

The general effect of this law will be to relieve this stress for reuniting families in all countries by more than 50 per cent and in most of the countries it will relieve the situation within two or three years. It preserves the quota law practically intact. The recessions made are very inconsequential and are largely remedial of the original law. The shifting

of the preferences and the enlarging thereof gives the maximum of opportunity for reuniting families. This bill will not affect the countries of Northern and Western Europe, for their quotas are sufficiently large to take care of members of families and agriculturists.

Certificate of Arrival

The House committee has almost completed a draft of a bill to grant certificates of arrival to those immigrants who cannot prove their legal arrival in this country prior to July 1, 1924. This bill is designed to relieve Canadians, because our records of the arrival of Canadians are incomplete and many of them who came into the States prior to 1924 and who are acceptable in every other way simply have no proof as to when they came or how they came; and to relieve the foreign-born children of immigrants who came here many years ago and who cannot prove their legal entry.

The bill provides that the registry of aliens at ports of entry required by the Act of June 29, 1906, may be made in the case of any alien whose previous lawful entry does not appear on the immigration records, provided he can make a satisfactory showing that he entered the United States prior to July 1, 1924; that he has resided in the United States continuously since his entry; that he entered the United States, or remained therein, without intent willfully to violate the immigration laws; was not excludable under the law at the time of his entry; is not subject to deportation and has behaved as a person of good moral character at all times since his entry. This bill is on the House calendar.

Quota Laws and the Western Hemisphere

The committee has given the most thorough consideration to the various bills to extend the quota limitations to the countries of the Western Hemisphere, notably the bill introduced by Representative John C. Box of Texas, H. R. 6465. Hearings were held over a period of several weeks. These hearings are, at this writing, being printed and as soon as they are received the committee will begin preparation of a bill.

Three difficulties present themselves in the handling of this question. First, there is the question of working out the 2 per cent quotas the countries of the Western Hemisphere would be entitled to on the basis of the census of 1890. Second, there is the problem of Canada. Third, there is the question of the dislocation of agriculture and industry in the States along the Mexican border.

To work out and apply quotas to the countries of the Western Hemisphere on the present basis of 2 per cent of the population of each country according to the census of 1890 when the national origins plan is still unsettled would seem inadvisable and therefore there is some hesitancy in putting forward a bill containing such a provision until after the national origins question is definitely settled.

As regards Canada, it seems certain that a bill to apply quota limitations to Canada would be defeated in both Houses of Congress. On the other hand, if Canada were omitted from a general bill touching the other countries of the Western Hemisphere, diplomatic troubles would arise.

The Mexican problem is complicated by several factors. To apply the quota laws to Mexico immediately would work a tremendous hardship on industry in sections of Texas, Arizona, New Mexico and California. New Mexico and Arizona are both States of small cities some distance apart. The work on the railroad tracks in both those States is done exclusively by Mexicans. The fruit, vegetable and cotton industry of certain sections of California and Texas has practically grown up on Mexican labor. It is easy to anticipate the effect on these industries of a sudden disruption of their labor supply.

Furthermore, it is a grave question as to whether it is advisable to put this heavy restriction on the Mexican border when the immigration handling machinery is inadequate at present. Under the existing system the border patrol arrests those Mexicans not entitled to admission and shoves them back across the border. With the quota law in effect, regular deportation machinery would have to be set up.

The first step is to make a real improvement in our immigration facilities along the Mexican border. Therefore, I expect the committee to report a bill enlarging our immigration service and increasing the pay of inspectors. A bill introduced by Senator David A. Reed of Pennsylvania, S. 2370, to increase the pay of immigration inspectors passed the Senate on February 23 and was reported from the House committee on March 9.

Our committee will have a bill on the application of the quota laws to countries of the Western Hemisphere ready to report before the end of the current session or at the beginning of next session.

Deportation

On January 30, 1928, I was instructed by a majority of the 21 members of the committee on immigration and naturalization, to report the deportation bill I introduced at the beginning of the session, H. R. 10078. This bill, now on the House calendar, is practically identical with H. R. 12444, which passed the House in the Sixty-ninth Congress.

On March 6 a minority report on this bill was filed by three members of the committee—Representatives Samuel Dickstein, N. Y., D.; Adolph J. Sabath, Ill., D., and Benjamin M. Golder, R., Pennsylvania, in which they expressed the view that the provisions of the bill generally are too harsh and in which they disapprove of several of its features. At the same time Representative Clarence MacGregor, N. Y., R., expressed his minority views in an individual report attached to the minority report. These reports are contained in House Report 484, Parts 1 and 2.

H. R. 10078 arranges the deportation provisions of previous laws in a more orderly fashion and seeks to strengthen them. The present law, for example, provides that the Department of Labor may proceed directly against an alien guilty of white slave traffic. This provision, in the new bill, is enlarged to include dealers in narcotics. The provision in the existing law providing that an alien may be deported for crime only when that crime is one involving moral turpitude, is done away with. In its place the new bill states that any alien may be taken into custody and deported, whether his entry was before or after the passage of this bill, under the following conditions:

1. An alien who at the time of entry was a member of one or more of the classes excluded by law from admission to the United States—at any time within five years after entry.

2. An alien who entered the United States at any time or place other than as designated by immigration officials, or who eluded examination or inspection, or who obtained entry by a false or misleading representation—at any time after entry, unless the entry was before July 1, 1924, in which case at any time within five years after entry.

3. An alien who remains in the United States for a longer time than authorized by law or regulations made under authority of law—at any time after entry, unless the entry was before July 1, 1924, in which case at any time within five years after entry. An alien seaman not admitted to the United States for permanent residence shall be considered as having remained in the United States for a longer time than authorized by law if he is found engaged in any occupation in the United States other than that of a seaman on a vessel arriving from or bound to a foreign port or place.

4. An alien who at any time within five years after entry is a public charge from causes not affirmatively shown to have arisen subsequent to entry—at any time after entry.

5. An alien who at any time within five years after entry, from causes not affirmatively shown to have arisen subsequent to entry, is an idiot, imbecile, feeble-minded person, epileptic, insane person, person of constitutional psychopathic inferiority, or person with chronic alcoholism—at any time after entry.

6. An alien who is convicted of any offense (committed after the enactment of the Deportation Act of 1928 and within ten years after entry) for which he is sentenced to imprisonment for a term of one year or more—at any time after entry, but not after the expiration of three years after the termination of the imprisonment.

7. An alien who is convicted of any offense (committed after the enactment of the Deportation Act of 1928 and at any time after entry) for which he is sentenced to imprisonment for a term of one year or more, and who is thereafter convicted of the same or any other offense (committed after the enactment of the Deportation Act of 1928 and at any time after entry) for which he is sentenced to imprisonment for a term of one year or more—at any time after entry, but not after the expiration of three years after the termination of the imprisonment.

8. An alien who is convicted of any offense (committed after the enactment of the Deportation Act of 1928 and within ten years after entry) for which he is sentenced to imprisonment for a term which, when added to the terms to which sentenced under two or more previous convictions of the same or any other offense (committed after the enactment of the Deportation Act of 1928) amounts to two years or more—at any time after entry, but not after the expiration of three years after the termination of the imprisonment.

9. An alien who has, after the enactment of the Deportation Act of 1928, violated or conspired to violate (A) the White Slave Traffic Act, or any law amendatory of, supplementary to, or in substitution for, such act; or (B) any statute of the United States taxing, prohibiting, or regulating the manufacture, production, compounding, possession, use, sale, exchange, dispensing, giving away, transportation, importation or exportation of opium, coca leaves, or any salt, derivative, or preparation of opium or coca leaves—at any time after entry.

10. An alien who is found practicing prostitution or is an inmate of, or connected with the management of, a house of prostitution, or who receives, shares in, or derives benefit from, any part of the earnings of any prostitute, or who manages or is employed by, in, or in connection with, any house of prostitution or music or dance hall or other place of amusement or resort habitually frequented by prostitutes or where prostitutes gather, or who in any way assists any prostitute, or protects or promises to protect from arrest any prostitute, or who imports or attempts to import any person for the purpose of prostitution, or for any other immoral purpose, or who enters for any such purpose, or who has been convicted and imprisoned for a violation of any of the provisions of Section 4 hereof—at any time after entry.

11. An alien who willfully conceals or harbors, attempts to conceal or harbor, or aids, assists or abets any other person to conceal or harbor, any alien liable to deportation, if the Secretary of Labor, after hearing, finds that he is an undesirable resident of the United States—at any time after entry.

12. An alien who willfully aids or assists in any way any alien unlawfully to enter the United States—at any time after entry.

Should Quota Law Be Applied to Mexico?

Pro

HON. JOHN C. BOX

U. S. Representative, Texas, Democrat



HIS question is one of large public interest and of great importance. A man can not study this question from the standpoint of the public interest as distinguished from his financial interest without recognizing at least that it is a serious problem.

In my efforts to present this question, I am going to try to represent the great mass of people who have not the money to come to Washington and have no selfish, local or financial interest in it and therefore remain silent—students, farmers, lawyers, physicians, dozens of patriotic societies, and all classes of American people scattered over the whole country.

This legislation has been indorsed by some 40 or 50 of the leading patriotic societies of the United States who have no interest in it except the public welfare.

The protection of the American farmer against the increasing danger of establishing a system of peasantry in America which the importation of peon Mexican labor tends to promote, would alone justify my bill. A Texas farmer residing in Dallas writes: "Dallas has about 15,000 to 17,000 Mexicans, about half of whom are idle by choice. Those who would do farm work are few, and even then would be useless to the average farmer. Please consider this an indorsement of your pending bill."

A farmer residing near Mercedes, Texas, says: "We would much prefer the negro and white man labor. The large companies and corporations are the ones who advocate the Mexican labor, as they can take some advantages and give them a bare living in return for their labor. I pray you get the bill through."

I have a great many letters and expressions from veterans of the World War favoring a law restricting Mexican immigration into this country. It is sad to contemplate that many of these ex-service men are numbered among the unemployed now.

I have a great many expressions from women's clubs all over the country. These are from women engaged in a study of this important question.

Ministers who are students of social problems have expressed themselves with great intelligence on this question.

A Baptist minister of El Paso wrote me as follows: "I am for your bill. Cheap labor is one of the curses of our city. It helps the few to the hurt of the masses, even to the hurt of the Mexicans themselves. Push it through for all you are worth. The local editors here are for the bill privately, against it editorially. You understand that, of course."

A prominent physician, whom I know very well writes: "I have been entirely convinced that your position is undeniably correct. . . . I met our mutual friend just back from Oklahoma where he had been at work as foreman of construction of a pipe line. He told me that more than 100 citizens of the county in which he worked had been discharged and replaced by the dirtiest group of Mexican peons that he had ever seen in his life, and that he resigned his position as foreman rather than work this class of labor."

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Con

HON. JOHN N. GARNER,

U. S. Representative, Texas, Democrat



REPRESENT a district bordering on the Rio Grande to the extent of about 400 miles. The population of that district when I first came to Congress in 1902 was probably made up of a majority of people of Mexican descent, and was what might properly be called a Mexican population. At the present time that population has dwindled to the extent of probably 20 or 25 per cent of the people in the district.

I am sure that those figures illustrate to you the effect of the present law for the past quarter of a century in that particular territory. Instead of the immigration from Mexico increasing the Mexican population along the border, to the extent of 100 to 150 miles, the percentage of Mexican population has decreased more than 50 per cent.

The present policy of permitting Mexicans to come in under the present policy has in no way deteriorated the citizenship of that territory; but, on the contrary, I believe the citizenship of that territory is higher than it was when I was elected to Congress.

It has been suggested by the advocates of the pending measure that the immigration from Mexico is tending to deteriorate the standard of citizenship within our country. I have not found that to be true in my territory.

My observation of the type of Mexicans who immigrate to my part of Texas from Mexico is that they are people who come for temporary work and go back to Mexico. They are the poor, working class. I know that there is a contention that these people do not go back to Mexico, but it is my deliberate belief that 80 per cent of the people who come to the United States from Mexico return to Mexico. Eighty per cent of the people who come to our territory do so for the purpose of temporary work and then go back to Mexico. They come over here, for instance, and pick cotton. The men, women and children can set out little onion plants. The same is true with reference to other vegetables and work that can be performed by the whole family. In cotton-picking time in our country it is usually very warm. A Mexican comes across the border with a two-horse wagon and brings his family, for instance. He brings his wife, his boy, a little girl, six or seven years of age—in fact, all he has. They go out into the cotton patch and work there for three or four months. It does not harm these people to go out into the cotton patch and work. It is true that the children might well be in school, but whether they would be in school if they were not in the cotton patch I do not know. These people make enough money in three or four months in our fields to go back to Mexico and live comfortably the remainder of the year.

You cannot get other type of people in that section to do such work. You cannot get a man from Georgia or from the State of Washington to do such work as grubbing. To illustrate, I have 100 acres of land that I want grubbed. I will make a contract with the Mexicans to grub that land at \$10 or \$15 an acre. The head Mexican will get their labor and do that job for me. They have to dig eight inches under the ground for each of these trees. Now, one cannot find a negro in Texas or Georgia that will do such work.

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Pro

HON. JOHN C. BOX—*continued*

This is not the demand of some local labor union, or of all labor unions, but it is in the public interest. These are requests of the people and ought to be regarded.

A history professor writes: "The chambers of commerce of Southwest Texas have gone on record as opposing your immigration legislation, but they do not represent the real sentiment of the people, just the merchants and large landowners. Southwest Texas is already Mexicanized and the wave is gradually and somewhat rapidly spreading north and east."

The Fort Worth Record, a leading Texas daily, said recently: "There were thousands of Mexicans brought to Texas under contract. When the contracts expired they were to be returned to Mexico. Dull times came. They were discharged but not returned to Mexico. They were turned loose to make their way. Thousands are being fed by generous Texans, but not by the men who secured their admission to this country to harvest the crops or to work on the ranches."

The California Fruit News, of January 28, 1928 said: "Some important interests in agriculture have been working very actively in the past few weeks in opposition to proposed legislation in Congress to include the Western Hemisphere in the immigration quota law, particularly as applied to Mexican peon labor. * * * The Mexican labor requirement and its problem in California is a much larger issue than the mere labor matter. It is an immigration problem and as such is concerned importantly with the future composition of our people. * * *"

Bob Shuler's Magazine of Los Angeles, California, says: "The border situation is becoming a grave one and all Americans who are sane and patriotic will study very carefully and earnestly the results of the loose-jointed policy of our Government by which we have obtained a tremendous influx of undesirables in the past and bid fair to add disastrously to their number in the future, if something definite is not done by way of Congressional action. Hordes of Mexicans have crossed to this country and are now migrating hither and thither, paying no taxes, rendering no public service, supplying no sinews for Government or civilization. They are a burden on the charity of every community. They crowd the halls of our county hospitals and deplete the funds of our county charities. They contaminate the communities into which they rove and are constantly active in petty thievery and other kindred crimes. They are diseased of body, subnormal intellectually, and moral morons of the most hopeless type. This does not mean we are against Mexico. We are ready to help them in every way possible to come out from under the cloud of ignorance, poverty, and superstition that has made of them a backward people. But we are not willing to poison our own civilization with them and we ought not to be asked to do so."

In a report by the California Commission of Immigration and Housing, made to the Governor of that State in January, 1926, it is said: "To sum up the elements of danger from the unrestricted immigration of Mexicans:

1. They drain our charities.
2. They or their children become a large portion of our jail population.
3. They affect the health of our communities.
4. They create a problem in our labor camps.
5. They require special attention in our schools and are of low mentality.

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HON. JOHN N. GARNER—*continued*

Neither will any white man in our country do it.

The advantage we have in that sort of labor is that it is seasonal. Crystal City is a little place where they pump water out of the ground and irrigate, say, 100 or 150 acres. It cost \$12,000 to dig that well and put in a pumping plant. One has to get something more than cotton or corn to grow upon that land to make it pay, in view of that heavy expense. In view of the labor there, one can make a success of that, but if he had labor that had to live on \$4 or \$5 a day, he could not do it. These people live on less than American labor lives on. I am perfectly free to admit that the labor there is not the ideal labor that we want and should have in the United States. But the particular work they do in the district I represent cannot and will not be done by the type of laborer that you want to see in this country. I do not believe these Mexicans are detrimental to society.

The country down in my district is developing so fast that I do not believe that the permanent presence of these Mexicans there would have any material adverse effect. As to the Mexicans in the territory I have the honor to represent, I make the bold statement that, in proportion to crime committed in the Fifteenth Congressional District of Texas, there is little in percentage of crime committed by the Mexicans than is committed by non-Mexicans. That is a rather broad statement, but I will undertake to show that to be a fact. In one county in my district where the people are 98 per cent Mexican descent there has not been but one penitentiary case for 10 years. The district court has simply met and adjourned or conducted civil cases.

I do not know how I could picture the economic disaster that would be visited upon the people I represent by the enactment of this measure. We have increased the value in two counties from \$3,000,000 to \$88,000,000 within the last 16 years. We could not have done that, it would have been impossible to have made that development and increased that value without ample labor. As I have said, no native American labor will do the work these Mexicans do. They will not do grubbing and such menial labor. Neither a negro nor a white man will do that work. You could not get the white man to do that kind of work for less than \$4 or \$5 a day, and if you could get him to do it at any price he would not do half as much work in a day as a Mexican does for \$1.75.

I have supported immigration restriction. If I thought the bringing in of these Mexicans, such as have been coming in for 25 years and which have touched the social fabric in Texas, and if they would touch the social fabric anywhere it should be in Texas first—injuriously affects the social conditions of my country—I would be for this bill. This migration to the United States has in no wise adversely affected the social condition in my district and the condition of the Mexican population in the city of San Antonio, Texas, at the present time is 100 per cent better than it was a quarter of a century ago.

I undertake to say that in Texas today the condition of the Mexican population with reference to food to eat and clothes to wear and houses to live in is better than it has been in the history of that State.

I do not think there is any danger of Mexicans becoming so numerous in this country that they will be a menace from a military or national standpoint, whereas the importation of Chinese or Japanese might develop such a condition in this country.

If you apply the quota to Mexico alone and admit similar

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HON. JOHN C. BOX—continued

6. They diminish the percentage of our white population.
7. They remain foreign."

A physician from El Paso, Tex., writes under date of February 5, 1928, in part, as follows: "The community chest has failed four years straight and is sure to fail the next time. We are top-heavy with these people."

That shows the tremendous burden these paupers are upon the community.

One of the big reasons that prompted our immigration laws, is the necessity of protecting the country against great numbers of people who become public charges. If one is liable to become a public charge that is sufficient ground to exclude him from the United States.

There are two classes of Mexicans in the United States. There is a large number of native born, the descendants of those who were here when the territory became American, who are entitled to all of the rights that any of us have. This legislation does not deal with them.

The present foreign-born Mexican population of the United States is about 2,000,000 though it is often placed at 3,000,000. We get as regular immigrants each year not counting some other temporary admissions about 67,000 immigrant alien Mexicans and we are getting something like as many Mexicans illegally as we are getting legally. In other words, we are getting about 150,000 Mexican immigrants annually and this Mexican population more than doubles every 10 years. My estimate of those who are returning to Mexico is 20 to 25 per cent.

I hope no one will think there is anything vindictive in my attitude toward these unfortunate people. I have been all over that country many times and know a great deal about what actually goes on in that country.

Unquestionably, we have one of these great migrations, such as have taken place in the history of the world, from the unfortunate people of the south, who are poverty stricken and disturbed by revolutions and oppression and all the things that set suffering human beings in motion hunting for food and homes and safety. We have a great migration from the South. The weaker peoples of South America, from Mexico south, are subjected to the pressure of population from both the Orient and Europe. The United States had to do things that many of its own people thought were unduly harsh in dealing with Japanese immigration. Our sister republics of the south probably do not feel able to resist the pressure from the East, which we felt able to resist. It is the pressure of population backed by the powers at home that want to get rid of their surplus people. For instance, the Japanese people did not want us to do what we did, in dealing with their surplus population. Italy did not like what we did.

One of the many good reasons why I contend for the application of the quota restrictions of the law to the south particularly is because I do not believe the quota law can live if it is not applied.

You can not sustain the quota law, so shaped that it will apply to a part of the country and not apply to the whole of the country. You can not apply it to the cheap labor desired by one crowd or one section of our people and not apply it to what is desired by another section of the country. Some manufacturers wonder why southern factories are thriving and running and others further north and east are not. This is not merely a little thing that affect what happens along a great river called the Rio Grande. The whole Nation is involved.

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HON. JOHN N. GARNER—continued

people from Central America and South America, how can you explain to those people? If you had selected Great Britain alone and applied the quota to her, what would Great Britain have said? Do you think it would not have offended her?

You could not apply the quota to Mexico and leave it open as to Central and South America and Canada without continued offense to Mexico, and you will not ameliorate anything of the kind by any diplomatic methods you might proceed upon. I think it would be a mistake.

We have what is known in this country as the Monroe Doctrine, Pan Americanism, or whatever you want to term it. If we undertake to apply a quota restriction to Mexico and we do not apply it to Canada also, I do not know what reason we can give that will be satisfactory to a proud people and a people who feel that their honor has been impugned by our legislation.

Put the quota law into effect against Mexico and we would need instead of \$800,000 a year to enforce the immigration act, \$8,000,000 a year to enforce that act as it should be enforced.

There would be no limit to it. We would have to patrol that border and have a man every hundred feet to keep the Mexicans out. We would have to have a hundred-foot boulevard and a parade of men to enforce that law as we would expect it to be enforced.

There are two arguments in this case—that the presence of the Mexicans is breaking down the standard of living, and another argument is that their presence is a sore on the social fabric of the nation. I have the honor to represent 21 good counties and 400,000 people, and they have not been injured by these Mexicans.

The Mexican is subject more than any other person I have known to the mandate of authority. Mexicans coming out of Mexico are very tractable when dealing with authority. All one has to do is to have the man who carries the gun—the sheriff or the constable—tell the Mexican to do so and so and the Mexican will do it. Those officials have been known to abuse their power down in our country to a limited extent, but when we have found them doing so we have promptly punished them.

There is some prejudice against the Mexicans among some people. However, people who have lived there any length of time do not possess that prejudice. A newcomer possibly may be prejudiced against the Mexicans, but when he has lived there a little while and understands them better he does not feel a prejudice against them. The Mexicans have no prejudice against the white people for whom they labor.

The loss in my territory that would be suffered by the application of the quota law to Mexico is beyond the conception of anybody. We have no desire to depreciate labor any place in this country. We would not injure the social fabric anywhere. We will get along all right with these people just as we have during the last several years. I am just as jealous of a proper standard of living and wage for American labor as anybody in this world, and I would not do one thing that would in any wise adversely affect the social standards of our great country.

We will take care of the Mexicans we have in our community in proportion to the population of the United States when it comes to crime and proper social conditions.

I will undertake to make this statement, that so far as the Fifteenth District is concerned, 90 per cent—I am conserva-

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HON. JOHN C. BOX—*continued*

When the House Immigration committee wrote the act of 1924 it had as one of the bills before it my bill providing for the quota of 2 per cent based on the population of 1890 for the application of that quota to Mexico and countries to the south and Canada. We had about all we could handle under that situation and a lot of people hoped that this situation would not become as acute as it is.

I wanted that whole provision to go in the bill, but I did not want that bill wrecked simply because I could not get everything in it that I wanted in it. I believed it was a great constructive measure, and did all I could to help pass the act of 1924.

I immediately introduced this bill and there are some things that have happened since then that make it more imperative. We have found that the quota principle is sound and also that this thing has assumed such proportions that it has got to be dealt with. We are dealing with a question that affects the country and we would be recreant if we did not deal with it courageously. I want restriction of immigration from all countries, in order that the principle of restriction may be maintained, in order that the quota law, which I think is the best principle of it, may be continued. I believe we are capable of enforcing it if we want to.—*Extracts, see 2, p. 178.*

EDWARD H. DOWELL,

Vice-President, California State Federation of Labor



HE attitude that the wage earners of the State of California have toward the subject of immigration from Mexico is one entirely consistent with the policy of the United States of America relative to immigration.

Congress in its wisdom deemed it necessary to have the people of foreign lands placed on the quota basis and that only a certain percentage of these peoples be admitted to this country each year. Mexico has been given better consideration than any of these other countries, and there are but few qualifications placed upon those Mexicans seeking admission into the United States, with the result that the way has been made easy and these numbers have been augmented by a great many who, because of the close proximity of that country, have been able to come in here surreptitiously.

It is not the purpose of the wage earners of San Diego, or of California, to draw any invidious comparisons between the workers of Mexico and those of any other country. Suffice it to say, then, that if the European immigrant constituted a menace to the standards in America, then certain it is that those of Mexico do likewise. In order that you may understand something of our problem in California and in all border States, I will read from a speech of State Senator Daniel Murphy of California dealing with the particular problem that is created because of the practically unrestricted influx of the people from Mexico:

"The Mexican migration to California has not slowed down. Serious problems have followed in the wake of this practically unrestricted immigration of Mexican peons.

"In Los Angeles, where the Mexican population is estimated at 150,000, the outdoor relief division states that 27.44 per cent of its cases are Mexican. The bureau of Catholic charities reports that 52½ per cent of its cases are

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HON. JOHN N. GARNER—*continued*

tive when I say it—90 per cent of the people in that territory are against the quota and want the conditions to exist as they are now.—*Extracts, see 2, p. 178.*

ALFRED P. THOM

General Counsel, Association of Railway Executives



UNDER our democratic institutions there is no such thing as class stability. Our theory of life and of government is to promote the interests of the individual and, as a consequence, there is a constant ascent of individuals from what may be termed one class into the next higher class. That is rightfully so. There can be nothing happier in a government than that there should be the widest scope of opportunity for all of its people. In order to widen opportunity, we have embarked upon a great system of education, and every youth in the land, from the lowest to the highest, is by the Government itself given preparation for a higher class of development and of service; but that very fact creates problems—problems of statesmanship of the most serious and far-reaching character. It is essential to our life as a people that there should be a supply of common labor and, in view of what is going on every day, and properly going on, by way of elevation of individuals from one class to the next higher class, the problem is presented, and will be increasingly presented, of what the American people are going to do for common labor.

I have two illustrations of that in my own experience here. I live on a place that may be called a garden or it may be called a farm. I have as a gardener a man who has lived in this country for a number of years. He came from Germany and is well educated in his business; but he had two children, both of them strong, athletic, strong physically and mentally, and capable. Those two children are not being educated to take their father's place. They have been educated until they have become employees of the Government and nobody is coming along in that family to take the father's place.

We have a maid servant and she has two daughters. Those two daughters are not being educated for the purpose of taking her place as a maid servant, but both of them are school-teachers, one receiving a salary of \$200 a month and the other a salary of \$130 a month. That process is going on all over the country. Everything is rising from the bottom. If we prosper, everything must rise from the bottom. That raises a question of from what source are we going to recruit our common labor. The needed supply will not come from the top down. The common labor of other countries regard it as a promotion to become a part of the common labor of the United States; and, therefore, there is now a supply of common labor which to a considerable extent we have drawn from other countries. If that supply is cut off, the statesmanship of this country must find a substitute, because we can not exist as a people unless we can cultivate our farms; unless we can maintain our transportation facilities; unless we can have the common labor essential to these important enterprises.

It happens that in a vast territory in America common labor has been supplied to a very large extent from Mexico. I believe that there are about 2,000,000 Mexicans in the United States at the present time, and there are 67,000 a

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EDWARD C. DOWELL—continued

Mexicans who consume at least 50 per cent of the budget. Twenty-five per cent of the budget of the General Hospital is used for Mexicans, who comprise 43 per cent of its cases. The city maternity service reports 62½ per cent of its cases are Mexican, using 73 per cent of its budget. The bureau of municipal nursing and division of child welfare state that 40 per cent of their clients are Mexican, and in the day home of the Children's Hospital 23 per cent of the children cared for are Mexican, while 12 per cent of the out-patient department are Mexican. Similar conditions exist in Pasadena and Long Beach, and in San Bernardino, Orange, Santa Barbara and Fresno Counties."

During the month of December, 1926, 846 individual applications for work, food and transportation out of this city were made to the social service department alone. In addition, the board of supervisors has furnished railroad tickets to persons wishing to leave San Diego after being influenced to come here to seek employment, only to find that a large percentage of the unskilled work, especially public work, is being done by Mexican immigrant labor. The trade unions, likewise, have furnished transportation for a great many out-of-work members to other points farther away from the border.

The manager of the San Diego branch of the State Free Employment Bureau (of California) reports he has several hundred applicants for work each week for whom he is unable to supply employment.

Miss Margaret Shea, under the direction of the California State Department of Education, made a canvass of the migratory fruit-picking families, with a view of focusing the attention of county authorities upon the migratory labor problem. The result of this investigation showed that 82.7 per cent of the migratory fruit-picking families were of Spanish-Mexican origin. In this same group covered by the investigation it was learned that 37.6 per cent of the children employed as fruit pickers were under the age of 9 years and that 48.0 per cent of these children were from 10 to 14 years of age, making a total of 86 per cent of these children under the age of 14 years. According to the State Labor Commissioner of California it is among these families that the greatest number of violations of the educational rights of children act occur.

While it may be true that some of the large corporations, notably the Southern Pacific Railroad, the Pacific Electric Railroad, the Santa Fe Railroad, the Street-Paving and Cement Trusts, Cotton Growers' Association and public utilities may temporarily profit by employing Mexican peon labor at two or three dollars per day, however, in the long run the community as a whole foots the bill. This type of Mexican laborers cannot possibly eke out even a miserable existence on the starvation wages paid them by these large corporations; consequently, the taxpayers, through the various county indigent funds, jails and charitable associations, are compelled eventually to pay the difference between the low wages and the cost of living. When it is considered that most of these Mexican laborers have very large families and that they are in a great majority of cases suffering for the actual necessities of life, it is apparent to everyone possessing any feeling of humanity that something should be done to prevent this situation from becoming further intensified.

That you may better understand the situation, I will endeavor to picture it as we, who have to bear the burden, see it.

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ALFRED P. THOM—continued

year coming in legally and about the same number coming in illegally. Now that tremendous body of common labor is for the most part concentrated in certain parts of our country. I suppose that in western and southern Texas, in New Mexico, in Arizona, and in California, and to a certain extent in Colorado, Mexicans are doing the work of the farms and doing the work of the railroads to a very large extent. Taking a dozen or more roads in that same section, we find that the section laborers are 65 per cent Mexican and the extra gang laborers are 87 per cent Mexican. At any rate, we find that a great section of the country in its economic development has accommodated itself to a reliance on Mexican labor. From that territory, more than 500,000 carloads of agricultural products move annually, and, when you take in the other products, it will probably add one-half as much more, if not a greater number. So that what is produced in that section is largely the product of Mexican labor.

This labor situation in the territory referred to may have been due to a lack of foresight. It may have been a mistake; but it is a fact, and it is a fact that statesmen must deal with. The question arises as to what is going to be the economic effect upon that vast territory and its vast agricultural industry, if the supply of common labor is made inadequate. What could be more destructive of the prosperity of a people; of their contentment; of their general welfare; than to have their entire labor situation disrupted?

Of course, you have got a sociological question as well as an economic question. You have got to be wise enough to settle them both without any abrupt and hurtful effect.

To take away this supply of labor to the extent that is here proposed would not be a gradual process, but it would be a sudden and a disturbing situation that you would introduce into the economics of this great section.

Let us go a step further. A great deal of this section of the country has a climate and living conditions where you can not get any other class of labor to go—any class but the Mexicans. White men will not undergo the hardships incident to the life. On the other hand, negroes can not be obtained.

But let us glance for a moment at what will be the situation in the event you do cut off this supply of labor. As I have indicated, you are involving two of the fundamental enterprises of our civilization, namely, the farming industry and the transportation industry.

Congress has, in its express enactments, realized the fact, patent of everybody, that agriculture is of primary importance to the American people and that transportation is essential to the American people. For it must be borne in mind that the maximum capacity of the transportation facilities of the country marks the maximum of possible production in the country. So that these two interests are linked together.

They are linked together on the theory that agricultural products need to be treated with consideration, and that they must be so treated without impairing the adequacy of the service of transportation. If you take transportation away and thus take the markets away from the agriculturist, you destroy him with a certainty that nothing else could do. If you limit the farmer's supply of common labor, if you limit his production, you cause a greater depression for him than can be possible under freight rates which are controlled by Government agencies.

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EDWARD C. DOWELL—continued

When the crops are ready to be harvested the labor market becomes active. An inexhaustible supply is at hand. Word goes across the border that a hundred or a thousand laborers are wanted. The pay offered is better than that paid in Mexico and to the poor peon, stupid and ignorant, it seems a princely wage, notwithstanding the fact that it is insufficient to provide even the necessities of food, let alone decent shelter, in the United States.

Our peon gathers his effects in a handkerchief and with his wife and from one to ten children sets forth. He labors patiently and as well as his undernourished condition will permit. Credit is advanced, sufficient to purchase a few beans and a little flour.

At the end of the harvest he finds that his season's work has, after his employer has deducted the cost of the supplies advanced, left him with little or nothing to carry him and his family over until the next crop is ready to be harvested.

Ignorant, to him the skyline represents the end of the world. So with his family about him he sits down hopeless and helpless and finally is discovered by the investigator for some charity and becomes, together with his ever-increasing family, a public charge.

When the next crop is ready, having learned that what was to him in Mexico a princely stipend is only starvation in this country, he asks more for his labor. With an undiminished labor supply at hand, his demand is ignored and he is brushed aside and another group of peons is brought across the border to have their golden dreams fade into the nightmare of semi-starvation and then into a charity dole.

It is at this stage that the labor procurers for the contractors holding sewer, paving and like contracts take him in hand, and the golden dream is revived when he is promised \$3 and \$3.50 a day in some Southern California city. Here, in turn, he learns the lesson over. Increased living costs leave him at the completion of his new job in the same penniless state as did his experience in the agricultural field. And again the charity organization pays the freight that industry and agriculture may have cheap labor, and having used it, may cast it aside, knowing full well that another crop of unfortunates has come into the country and awaits exploitation.

There is no shortage of labor in California if a living wage is offered. The farmer in the Middle and Northwest must pay a living wage, and does so, and at the same time meets the competition of the exploiters of cheap labor who connive to lower living standards in this Republic.

No one who will consult the records of the California State Free Employment Bureau will dare state there is not enough Mexican and Japanese labor already in California to care for the agricultural demands for many years to come. But the Mexican, like the Japanese, has found that it does not pay to work for the wage offered, and is satisfied to accept the aid of charity organizations whom he has found will not allow him to die on their doorsteps.

A study of employment conditions in San Diego, made last December, disclosed that in that city alone there were between 2,000 and 4,000 men unemployed. Skilled craftsmen and common laborers, most of whom were not only willing but anxious to accept any kind of work offered.

There are in the California State penitentiary at San Quentin 3,358 prisoners. Of that number 438 are Mexicans. In other words, about one-twelfth of the population of California are Mexicans and about one-seventh of the

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ALFRED P. THOM—continued

So that you are dealing here in the first place necessarily with a limitation upon what the agriculturists can produce, because you are limiting his labor. At the same time you are dealing here with what the railroad can do for the purpose of furnishing transportation, because this great territory through which they pass, being arid and hot and unbearable to a man not accustomed to it, will be depleted of its necessary supply of labor. Then what is the situation? You have created two kinds of competition. First, you have created the competition between the transportation companies and the producer of agricultural crops for the labor that is inadequate for them both. Instead of the railroad being able to perform its service at present costs, it must go into the labor market and pay higher prices for its labor in order to attract it from the agriculturists.

There is an increased cost of transportation, which is a matter of very serious importance to the country, because transportation can not be furnished unless the cost of it is put upon the users of transportation. Therefore you subject the agricultural people to the competition for their labor of the railroad companies who must maintain their properties in order to furnish the service, and you visit upon him these two consequences; first, a limitation upon what he can produce; secondly, a greater cost for his labor in competition with others who are bidding for it. On the other hand, I may add a third, namely, the increased cost of transportation, because this policy will increase the cost of furnishing transportation.

There is another situation that would be created, namely, if this section of the country, to which I have alluded, is depleted of its necessary supply of labor, its people must become bidders for labor in other sections of the country. There must be a competition created between them and other sections of the country and thus the result would be not confined to the territory to which I have alluded, but it would extend to other territories and would affect the economic conditions over a very large part of the United States.

It will not do to say that there is great unemployment throughout the United States. There is not large unemployment for this particular kind of labor. My experience is, even in this section of the country, that the question of farm labor and domestic service is becoming a most serious problem. It is a most serious thing to get an adequate supply of farm labor. I myself came from the country and I know something about the problems of the country. I was born and reared in the country—in Virginia. I know something of what has been going on in the country since I left the farm. I once lived in a part of Virginia where the farm labor was performed by negroes from that part of Virginia, and the country was devoted to the cultivation of vegetables. Now, I have lived to see the impossibility of getting labor in that section. I know that this question of getting common labor on the farm and for railroad maintenance and construction forces and domestic labor in the family are becoming a most serious problem even in my section of the country, and I can readily understand that where there are 2,000,000 Mexicans, and a great majority of the common labor is being performed by those in the section to which I have alluded, embracing southern and western Texas, California, New Mexico, Arizona, and to a certain extent Colorado, that when that work is being done both on the railroads and on the farms by labor, a majority of which, and a very large

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EDWARD C. DOWELL—*continued*

prison population are Mexicans. Data supplied with the above figures shows that at least 60 per cent of the violations of prison laws and rules in that penitentiary were credited to those few Mexicans that were there.

There are those who for reasons of their own urge that conditions be left as they are and, instead of placing Mexico on a quota basis, we enter into an agreement with the Mexican authorities whereby they will assume to keep their people at home. I do not need to remind you that our great Republic once attempted to restrict and regulate immigration by agreement with another nation.

I refer to the "gentlemen's agreement" with Japan whereby the Japanese Government pledged itself to keep its laborers from our shores, and we tried it for 14 years, during which period they populated the State of California with more than 100,000 Japanese and made an Asiatic province out of a beautiful American Territory—Hawaii. If the Government of Japan was not able to restrict or restrain its people from migrating, how can the poor Mexican Government, under the present situation, ever restrain their poor peons from wandering across the border when the exploiters of cheap labor, the same men who had put through their last State legislature an amendment to the women's eight-hour law enabling our women to work more than eight hours in the poultry industry, are throwing their advertisements for labor across the Mexican line?

There seems to be a new theory developing in the United States and that is that when we pass immigration restriction laws we are hurling some insult at the country whose people we are trying to exclude. Let me ask, Why didn't our friends in Great Britain protest when we passed the quota restriction law? They are still here with us; they don't seem to be insulted about it. Why should the Mexicans be insulted, or why sever diplomatic relations with Mexico when we attempt to protect our own working people?

It is for us to determine what sort of people we are going to have in this country. We must have working people here of our own kind and color, because all the lessons of history have taught us this inexorable fact that a people or a nation that cannot or will not do its own menial or manual work is doomed, it is gone; and when the American people have concluded that their sons and daughters cannot and will not do their own menial and manual work, then we are done for.

Just another thought, and that in connection with the bearing and rearing of children. Our own Americans have from year to year restricted the size of their families; the very contrary is the rule of the most undesirable people among us.

There is no effort being made to say anything by way of derogation of the people of Mexico. We sympathize with them, we realize the unfortunate condition they have been in for some time. We may have varying opinions as to the reasons for these conditions, but we cannot deny that they do exist. We desire to be of assistance to them, but we must first realize our duty to our own country and to our own people.

Secretary of Labor James J. Davis, who administers the United States immigration laws, personally favors the passage of restrictive legislation. Speaking at a banquet of the Associated Chamber of Commerce representatives in El Paso, Texas, last May, Secretary Davis advocated the placing of Mexico on a quota basis under a plan which would admit about 2,100 immigrants annually instead of the present 60,000

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ALFRED P. THOM—*continued*

majority of which, is Mexican, that when you reduce that supply of labor you confront that people with a disruption of their whole social system. You confront them with difficulties which are very hard, if not impossible, to surmount. You put the man upon the farm face to face with the fact that he can not use his property to the best advantage for himself and others. If you curtail his labor, you curtail his production and cause his production costs to rise.

Speaking with special reference to the railroads—instead of their being able to perform an economical service and to have an economical maintenance, as provided in this legislation of Congress, they must increase the cost of their maintenance because they are bidding in an inadequate market for labor, and this would necessitate their paying higher wages. I do not think Congress will be able to look with unconcern upon the disruption in a vast territory like this of the whole common-labor situation.—*Extracts, see 2, p. 178.*

FRED H. BIXBY,

California Cattle Raisers' Association

are opposed to this bill; absolutely opposed to this bill, because it will reduce production. It will stop half of the farming on the other side of the Missouri River. It will ruin that farming, because we cannot operate. The man who is producing is not the small man who has 20 acres. He can handle his stuff. It is the big producers who produce the big acreages of cotton, wheat and beets; those are the men that the brunt of the whole production falls upon. We have 3,700 acres of beets. If I do not get Mexicans to thin those beets and to hoe those beets and to top those beets, I am through with the beet business. We have no Chinamen; we have not the Japs. The Hindu is worthless; the Filipino is nothing, and the white man will not do the work.

This is not going to help the farmer a bit; and if this bill is passed, I never want to hear another "peep" about agricultural help, because this is ruining agriculture west of the Missouri River, and that is the region where the big production comes from.

Is it the proper time to pass this kind of a bill? The Republic of Mexico has put an embargo on cows. We cannot ship any more cows out of Mexico; all the breeding cows are to be kept in Mexico, and they are being kept in Mexico. I understand from the Mexicans themselves that about the next thing that is going to happen is that the Republic of Mexico is going to insist upon their people staying at home. Why should we jump into something that is going to be handled in a more diplomatic and sensible way? And that is going to come to pass within two or three years without a doubt.

If you pass this bill the trip of our aviator Lindbergh down there, which was the best thing that ever happened toward making a friendly sort of a feeling between the two countries—Lindbergh did more good than all the ambassadors we have ever sent down there—will be nullified. I know those people and I know the effect that that little flight of his had. Why do you want to ruin it all by passing a thing like this?

I just want to say this about the white men—I know this is so—I have gone to the employment agencies where I have seen 500 men standing around and offered them a job as a teamster at \$50 a month and board or \$75 and board them—

Continued on next page

Pro

EDWARD C. DOWELL—continued

who enter this country legally every year. Mr. Davis said further:

"Cheap labor is not worth having about. It is a liability always. Twenty years ago the United States Steel Corporation claimed it could not survive without foreign labor; however, since we restricted this element to almost nothing compared with former times, the steel company has paid the biggest dividends in history. They do this on skilled labor—not the cheapest like they once wanted. Cheap labor makes a cheap city or a cheap country. America must continue to raise the standard of living and broaden the consumption of merchandise, rather than lower the wages and restrict markets. We have more common labor now in the United States than ever before and more of it out of work."

Hon. Chester M. Rowell, noted publisher and economist, unhesitatingly favors the placing of Mexico under the quota. He recently wrote as follows:

"Very strict limitation from Mexico is imperative, unless we are to add another race problem to those in which we have already so conspicuously failed. If we can put Mexico on the European basis and then put Canada on an even more liberal basis than the present law provides, we shall be acting in accordance with the truth and the facts."

It is our opinion that these Mexican laborers do not remain upon the ranches near the border for any length of time. They are constantly moving northward and congesting the labor markets of San Diego, Los Angeles and other cities in California, where they become in many cases public charges and are even driven to criminal acts in order to gain a livelihood for themselves and their families.

Dr. Thomas Nixon Carver, professor of economics at Harvard University, who recently studied this question, stated that his investigations had led him to the conclusion "that the continued importation of cheap labor actually makes conditions worse for the average farmer in the Southwest who has to depend on his own labor for his profit."

"The small American farmer," he said, "was unable to compete with this peon labor employed by a few of the larger agricultural interests. The bringing in of cheap Mexican labor brings the same situation in agriculture in California as slavery did in the South before the Civil War, and the introduction of Mexican peon labor will bring a problem far worse than that caused by the introduction of Chinese and Japanese. It is time California is waking up to this fact."

"If there were not enough farmers," he said, "the trend would be from the city to the country. However, it is well known that it is in the other direction. In the city the farmer boy has to compete with the immigrant labor and the problem is aggravated again by a competition with cheap labor."

So if we say that the European immigrant who does not understand the ways and who is not willing to maintain the standards created by the American workingman is a menace to our institutions, surely we should be consistent enough to say that even to the Republic of Mexico. Just as in the Eastern States, where the claims were for years that the great menace of the European immigrant must be stopped, and finally was curtailed, so it is in the territory along our southern border that an identical problem has been created and has existed for years, and we, the wage earners of California, are asking that Mexico be placed on the quota basis in exactly the same manner as the other nations of the earth.—*Extracts, see 2, p. 178.*

Con

FRED H. BIXBY—continued

selves, and for an eight-horse team, \$85. Not a man took the job. I waited there for one hour. Not a man replied.

Then I went down to the part of the town that the Mexicans are in and got a Mexican—he came out and worked. I have gotten to the point that I never go near the white man's employment agency, because they will not go into the country; and if they do go into the country, they are no good.

The Mexicans and the white men work together, eat at the table together, play cards together and associate together, and if a white man says he will not work with Mexicans that gentleman is fired, because the Mexican is better than the white man. At all these different outfits—I have eight or nine outfits—I have about 50-50 of Mexicans and white men.

During the thinning of beets and the hoeing of beets and the topping of beets and the putting up of hay and putting water on the ground, and all that, we have had three or four hundred of them. They come in there with their families. We have houses for them and we provide them with wood and water. They are much better taken care of than they are down in their own country. I have only had three men to die in 30 years with tuberculosis—three Mexicans. And they contracted that disease in California; they did not bring it up with them at all.

There has been a lot of "bunk" propaganda going around about those Mexicans coming to the United States in a diseased condition, and as a result we have to take care of them. I do not think there is anything to that. There is no more disease among the Mexicans than there is among the white people. Why not publish the statistics covering diseased white people of other races?

If this bill should become a law, it would cripple us very materially. I am not going into the other phases of it, such as the transportation interests. I am going to confine myself to Mexicans as they are on the farm.

I have books covering the operations of two outfits consisting of Mexicans and white men. More than half of them (the men who remain all the year) are Mexicans. Their children are going to school. They are clean. They have their own homes. They are on the ranches and we pay them the same as we pay the white men, which is from \$45 to \$50 a month and board. These people are desirable in every respect. The driver of a four-horse team gets \$65 and boards himself. I furnish the house, the wood, water and a place for his garden. When they drive a six or eight horse team, of course, they get more money; that is, we pay them on an average of \$60 and their board, or we pay them \$75 or \$85 a month and they board themselves.

I have a place near Phoenix, Ariz., where the foreman is a Texan. In that country they will not allow a Mexican to remain. We have no Mexicans on that particular place. It is a cattle ranch and we employ Texans only. Thirty years ago they had a feud in that part of Arizona and killed off 40 or 50 men. I have been in there for 20 years. I have never asked anybody about that feud and I have never inquired as to why they do not want the Mexicans there.

The Mexicans are not trying to buy property in my country. I want to say in passing that we have tried the Hindoos, and they are of no value in our country. We have tried the Filipinos and they are as bad. We would use anybody we could get when we have 3,700 acres of beets to be thinned and to be topped in the fall. We would employ anybody, but we cannot get a white man to crawl upon the ground

Continued on next page

Pro

HENRY DE C. WARD,

Immigration Restriction League, Boston, Mass.

HE situation as to Mexican immigration is very serious. Not only is this influx already very large, but it is certain to increase. From the States along the Mexican border, Mexican laborers are rapidly spreading northward and eastward. They are in Colorado, in Minnesota and other Northwestern States, in Illinois, in the Pennsylvania steel mills, on the railroads all through the Middle West. But little can be known definitely as to the annual Mexican immigration, for the number of legally admitted is but a small proportion of the total. It is probable that our Mexican population at the present time is not far from 2,000,000. While it is true that many of the Mexican laborers who work in this country during harvest time go home again in the winter, this tendency is decreasing. Mexican peons are going into big industries and into the large cities, and as time goes on will more and more become permanent members of the community.

There is no doubt that most Mexican peons are good "raw" laborers. They do outdoor work on farms, railroads, dams, aqueducts, road and construction enterprises, chiefly still in the Southwest and in Southern California. They are, as a rule, peace-loving, docile and obedient. They are good to their families. But, on the other hand, they are a serious social problem. They know and care little or nothing about sanitation; they live huddled together in shacks or freight cars and, in increased numbers, in congested "Mexican quarters," on the outskirts of Western and Southwestern cities, without proper sanitary facilities. They are prone to disease and their death rate from tuberculosis is high. In the districts where they congregate in considerable numbers, poorhouses, dispensaries, hospitals, are largely carried on for them. The expense is already very heavy, and it is increasing annually at an enormous rate.

It has been urged that these Mexican laborers and their families are no more of a burden upon the social and welfare agencies of the Southwest than are the lower levels of European immigrants in Eastern cities. But to be no worse than the worst is a very feeble argument. The burden upon charitable agencies will increase as more and more Mexicans migrate northward and spend the winters in cold climates to which they are not accustomed and for which they have neither the means nor the foresight to prepare. Other problems are also appearing on the horizon; for example, the school problem, with its inevitable certainty of friction between the native white children and the Mexicans, and the more serious racial problem of intermarriage and of interbreeding.

Our great Southwest is rapidly creating for itself a new racial problem, as our old South did when it imported slave labor from Africa. We must not forget that every Mexican child born on American soil is an American citizen, who, on attaining his or her majority, will have a vote.

What is happening is very simple. The Mexican peon, with a standard of living so low that American labor cannot compete with him, and with indefinite powers of multiplication, is being substituted for "cheap labor" from Southern and Eastern Europe. We hear the same old story of the "need of labor" that has been dinned into our ears for decades. The sugar-beet growers, the cotton planters, the farmers, the mining and railroad interests in the Southwest are

Continued on next page

Con

FRED H. BIXBY—continued

on his stomach and thin beets. They simply will not do that work. We would rather have the white man if he would work.

The Mexicans come here and stay a while and then take their money back to Mexico for a while. I always pay them the money they want. They deposit with me some of their money and I pay them interest, and thereby create a little fund and when they save \$300 or \$400 they go back to Mexico. With that much money they send a cousin or some other relative to take their place here in the United States while they are gone.

We never try to get anybody across the line without a proper passport and without paying the head tax. This is the way that it worked. When a man has worked for me for two years or five years, I give him a letter stating that upon his return to the United States I would be very glad to give him his job back. He takes that letter home with him. He treasures it. One could not get that letter from him with a club, because when he gets to the line he is able to inform the immigration inspector that he has a job and he is then let in. We go so far as to say that when that man returns with his family we will provide a place for his family and give him his old job back. Many of those people make a regular custom of going back and forth between the United States and Mexico. The letter I give the man he considers as a diploma. He is proud of it, and, as I have said, when he reaches the line he presents it to the immigration officer and is passed without any difficulty. If he has not the \$18 to pay the head tax when he reaches the border, I invariably send it to him.

The only time we ever have trouble with the Mexican is when he gets something here that he is not supposed to have—liquor. He gets that from the Americans and not from the Mexicans. They are not bootleggers. They do not manufacture liquor in any form. When the Mexican gets drunk he becomes a little obstreperous. We have an agreement with the court of Orange County that if any of the Mexicans in that part of the country got drunk and are caught with a gun upon them, I will have nothing to do with them. That word has gone out into that country and it has had a most salutary effect. I have a lot of pistols in my safe now, put there by Mexicans for safe keeping. The understanding is, of course, that they will get the guns back when they return to Mexico.

After the war I tried to employ ex-Army men, but they would not work. I have had to, after trying conscientiously for months, to put them on the black list. The proper way to express it would be that they themselves have placed themselves on the black list. That has been brought about, I am sure, by conditions that existed during the war. At training camps and other locations when there was anything to do there would be six men to help one man do it. In the farming business when there is anything to do one man has to do it alone without assistance. For instance, if a truck breaks down or the harness breaks, the man who is driving the team or the truck has to repair it himself.

The foremen of my outfits and the chief man or men under him are Americans. That is general, that the foreman and key men are Americans. However, more than half of my regular men are Mexicans, and almost all the beet thinners and toppers are Mexicans. We have to put these men on for two or three months and almost all of them are Mexicans.

Continued on next page

Pro

HENRY DE C. WARD—*continued*

urging that they must have more Mexican laborers for the development of their several enterprises.

Here, again, we have in contact the two opposing motives that have so long contended in the history of our industrial development. One wants to get the quickest possible dollar results from the cheapest possible labor. The other looks beyond the immediate dollar, and says that we must not invest in strange and alien kinds of citizenship for the sake of those immediate dollar results.

After slavery had been paid for, the exploited European promised the most immediate dollar results. Our European immigrants have done better by us than we deserved, but as the seekers for cheaper and cheaper labor went farther and farther afield, the final result of this course came in plain sight, and then our people called a halt. Congress wisely, and at the critical moment, enacted the immigration law of 1924.

Shall we now merely substitute the Mexican peon, with his indefinite powers of multiplication, for Southern and Eastern European cheap labor? Must our civilization forever rest on that sort of foundation? Not only the people at large but those of our leaders in industry who have the true American spirit say no. These leaders are substituting machinery and full-time employment for the old policy of "hire and fire" and no longer go to Ellis Island for cheap labor. They are drawing the half-employed out of our surplus coal mines and our backward parasitic industries and turning them into better-paid, more productive, full-time workers. These workers now make better citizens, pulling their weight in the boat, and they also make better customers. There is enough native labor to do the necessary work if the large agricultural and other interests will pay adequate wages on which an American can support himself and his family in decency and comfort. No self-respecting white laborer can compete with a Mexican peon, who works for a small wage and exists in poverty and wretchedness. By allowing present conditions to continue we are fast developing a new class of permanent "coolie" labor in the United States.

It is impossible to dislocate the standard of labor and the standard of living in one part of the community and leave any other part unharmed. We must either approach the Mexican standard by using Mexican labor in unlimited quantity, or maintain American standards by relying on American labor. Sooner or later we must all have about the same standard of pay and employment, or go out of business.

Importing thousands of Mexicans is one way to fill up a country, but is it the right way? Is it well for South or North? Has the past no parallel in the way of the slave cargoes from Africa? Has the present no lesson in the existing conditions of Mexico? Have not the last few years shown that it is entirely possible to have better profits for the employer, better life for the workman and a better country all around through something besides peon labor or its equivalent?

We did not limit immigration from Europe in order to let in people who have proved more alien and less easily assimilated than the poorest of our European immigration; people whose threat to the American standard of living and to the future organization of American civic life is greater than anything we have had from Europe. We cannot raise our standards of living and citizenship by that process. We have here a definite decision to make between cheap labor on the one hand and better citizenship and a more homogeneous population on the other.—*Extracts, see 2, p. 178.*

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Con

FRED H. BIXBY—*continued*

Here is a point that has not been brought out before—the Mexican is not trying to "butt" into the affairs of this country at all. He has a country of his own and he does not want two countries. They come here because conditions here are so much better than they are in Mexico, and they get more money for their labor than they would get in Mexico. When they get the money they go back, even though they do not have to do so.

If we do not retain the Mexicans, what are we to do? How are we going to produce what we produce today if we do not have them? We do not desire the colored people there. We do not like the cotton-picking type of colored people in our part of the country. We shipped in a few years ago when we first began planting cotton at Bakersfield two or three trainloads of Southern cotton-picking type colored people. They were most unsatisfactory from the very start. We were not accustomed to that sort of labor and to a degree the production of cotton was given up because of the fact that the labor was unsatisfactory. A Mexican in our part of the country is a better citizen and a better employee than the colored man.

If it had not been for the loyal, good-working Mexicans in whom we can place real trust, I would have gone out of business before I began 30 years ago. The Government is always talking about helping agriculture. That is the talk, but that is as far as it goes. If the Congress should in its wisdom take the Mexicans from us it will ruin agriculture in the West. That is not the way to help agriculture.

I have heard here a great deal about the Mexicans going into the I. W. W. If that is so, and I do not know that it is so, it is not the fault of the Mexicans. If the Mexicans are in that organization they have been taken there by the white man. The Mexican is not the kind of man who would indulge in the tactics practiced by the I. W. W. or any similar organization. The Mexican is quite unassuming and will work as hard as he can as long as he has to do so. He is extremely loyal; he is not dirty; he is not diseased; he is not any worse than half the white men. I tell you that, and I know what I am talking about.

Referring to the poll tax, we used to pay that for them. We used to pay the poll tax on the Mexican the same as we did on any other employees. We did the same as we did with tenants. We have 52 tenants and we pay the State and county taxes for them and charge the amounts against them on our books.

This bill is apparently backed by the labor unions. In agriculture the labor unions have never done me any good; they have never tried to do me any favor; they have never tried to help me out at all. And the others behind the measure are apparently the Community Service people. I have had one or two talks with those people, the women who are handling that. They are not so anxious to have any quota system or exclusion; they are most anxious to have a physical inspection—that is their talk to me.

And another thing, I have a family—three of them are girls. Ever since they were small I have had them out on the range, riding the range with Mexicans, and they have been just as safe as if they had been with me. That is the kind of people who are working for me, and they are Mexicans. Do you suppose we would send them out with a bunch of negroes? We would never think of such a thing. My girls have been associating with these Mexicans ever since they were 5 years of age, riding the range with them; and

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The 70th Congress

Duration of the 70th Congress, March 4, 1927-March 4, 1929
First, or "Long" Session, Convened December 5, 1927. In Session.

In the Senate

Membership
Total—96

47 Republicans 47 Democrats
1 Farmer-Labor
2 Vacancies

Presiding Officer

President: Charles G. Dawes, R.
Vice-President of the United States

Floor Leaders

Majority Leader Minority Leader
Charles Curtis, Kansas, R. Joseph T. Robinson, Ark., D.

In the House

Membership
Total—435

237 Republicans 195 Democrats
2 Farmer-Labor
1 Socialist

Presiding Officer

Speaker: Nicholas Longworth, R.
Member of the House from Ohio

Floor Leaders

Majority Leader Minority Leader
John Q. Tilson, Conn., R. Finis J. Garrett, Tenn., D.

Action Taken by Congress

A Daily Summary of the Proceedings of the House and Senate
March 20, 1928, to April 19, 1928

Note—This department contains a record of action on the floor of the House and the Senate. By following it from month to month the reader obtains a compact but complete review of the work actually done by Congress throughout the session. The principal abbreviations used are the following: H. R. means House bill; H. Res. means House Resolution; H. J. Res. means House Joint Resolution; H. Con. Res. means House Concurrent Resolution; S. means Senate Bill; S. Res., Senate Resolution; S. J. Res., Senate Joint Resolution, and S. Con. Res., Senate Concurrent Resolution. If reference is made to the consideration or action by the Senate of a House bill or resolution, it means that the House has passed it and sent it to the Senate, and vice versa.

Tuesday, March 20, 1928

Senate:

Passed a number of claims, Indian and land bills on the calendar.

Began consideration of, as unfinished business, S. 1271, known as the migratory bird bill. This measure provides for the carrying out on the part of the United States the terms of the migratory bird treaty with Great Britain which requires the acquisition of lands for permanent bird reserves and refuges and the protection of birds by the Department of Agriculture. Messrs. Reed, Mo., D., and Dill, Wash., D., spoke against the bill.

Executive session.

Recessed.

House:

Passed H. R. 11022, extending hospital service to retired members of the Coast Guard.

Began consideration of and debated H. R. 8141, authorizing additional employees for the Federal Power Commission. Adjourned.

Wednesday, March 21, 1928

Senate:

Passed several minor bills on the calendar.
Several Senators spoke on political topics.
Resumed consideration of the migratory bird bill, S. 1271.
Executive session.
Ratified the International Radiotelegraph Convention, signed at Washington November 25, 1927.
Adjourned.

House:

Defeated, by a vote of 179 to 168, H. R. 8141, authorizing additional employees for the Federal Power Commission.
Adopted conference report on S. 2317, continuing for one year the powers of the Federal Radio Commission.
Passed several minor bills.

Began consideration of and debated H. R. 12286, the naval appropriation bill.

Mr. Ragon, Ark., D., spoke on flood control.
Adjourned.

Thursday, March 22, 1928

Senate:

Discussed resolution of Mr. Couzens, Mich., R., calling for the resignation of Secretary of the Treasury Mellon.

Debated conference report on S. 2317, extending for one year the powers of the Federal Radio Commission.

Executive session.

In executive session agreed to remove the injunction of secrecy on the international treaty for the unification of rules relating to bills of lading for carriage of goods by sea.

Recessed.

House:

Resumed consideration of the naval appropriation bill, H. R. 12286, during which free sugar from the Philippines, pacifist propaganda, the merchant marine, prohibition and immigration were discussed.
Adjourned.

Friday, March 23, 1928

Senate:

The Senate met at noon but adjourned immediately out of respect for the late Senator Ferris, of Michigan, whose passing was announced by Senator Couzens of Michigan.

House:

Passed Indian bills and S. J. Res. 31, inviting the Permanent International Association of Road Congresses to hold its sixth annual session in the United States in 1929 or 1930.

Resumed consideration of the naval appropriation bill during which the merchant marine, the Washington Arms Conference and the sending of U. S. Marines to Nicaragua were discussed.

Adjourned.

Saturday, March 24, 1928

Senate:

Passed several bridge bills.
 Adopted S. Res. 179, ordering the arrest of Thomas W. Cunningham, Sheriff of Philadelphia County, Pa., for declining to appear before the special committee investigating the election of Senators, and answer questions.
 Adopted conference report on the radio bill, S. 2317.
 Discussed flood control and political questions.
 Executive session.
 Adjourned.

House:

Resumed consideration of naval appropriation bill, during which Nicaragua, the army air corps and the Washington police were discussed.
 Defeated amendment to the naval appropriation bill for the construction of destroyers in navy yards.
 Adjourned.

Monday, March 26, 1928

Senate:

Discussed conference report on H. J. Res. 131, providing for a commission to investigate the sinking of the naval submarine S-4, and instructed the Senate conferees to insist on the Senate amendments to the resolution.
 Resumed consideration of the migratory bird bill, S. 1271.
 Executive session.
 Adjourned.

House:

Considered bills on the calendar relating to the District of Columbia. Discussed flood control and political conditions in Illinois.
 Adjourned.

Tuesday, March 27, 1928

Senate:

Passed several bills on the calendar.
 Discussed situation in Nicaragua and unemployment problem.
 Resumed consideration of migratory bird bill.
 Executive session.
 Recessed.

House:

Debated naval appropriation bill, H. R. 12286; defeated an amendment providing for the immediate construction of rigid airships, and passed the bill.
 Adjourned.

Wednesday, March 28, 1928

Senate:

Resumed consideration of migratory bird bill as unfinished business.
 Laid aside migratory bird bill and gave immediate consideration to flood control bill, S. 3740, and passed it by a record vote of 69 to 0.
 Executive session.
 Made public the convention between the United States and Mexico, safeguarding livestock investments.
 Recessed.

House:

Passed several minor bills and resolutions and discussed the tariff, the Philippines and prohibition.
 Adjourned.

Thursday, March 29, 1928

Senate:

Debated and passed H. R. 11377, the agricultural appropriation bill.
 Discussed the general question of Government oil lands.
 Executive session.
 Adjourned.

House:

Debated and adopted S. J. Res. 118, postponing for one year the application of the national origins provisions of the Immigration Act.
 Debated and passed S. 716, to exempt American Indians born in Canada from the provisions of the Immigration Act.
 Debated and passed H. R. 12407, to authorize the refund of visa fees in certain cases.
 Passed a bill fixing a policy for annual appropriations for Howard University in the District of Columbia.
 Adjourned.

Friday, March 30, 1928

Senate:

After disposing of routine morning business the Senate went into an executive session lasting 3 hours and 35 minutes and confirmed the nominations of the members of the Federal Radio Commission.

House:

Passed a number of bills on the private calendar.
 Adjourned.

Saturday, March 31, 1928

Senate:

The Senate met at noon and immediately adjourned out of respect for the late Senator Frank B. Willis, of Ohio.

House:

The House met at noon and adjourned immediately out of respect for Senator Willis.

Monday, April 2, 1928

Senate:

Passed a number of bills on the consent calendar.
 Began consideration of, as unfinished business, and debated S. 3555, the farm relief bill presented by Mr. McNary, Ore., R.
 Executive session.
 Recessed.

House:

Passed a number of bills on the consent calendar, among which were H. R. 12245, extending for one year the powers of the War Finance Corporation, and H. R. 12060, modifying existing postal rates.
 Adjourned.

Tuesday, April 3, 1928

Senate:

Continued debate on McNary farm relief bill, as unfinished business.
 Discussed and passed S. J. Res. 89, setting May 1 as "Child Health Day."
 Discussed and agreed to a number of Senate amendments to H. R. 11133, the District of Columbia appropriation bill.
 Executive session.
 Adjourned.

House:

The House met at noon and immediately adjourned out of respect to the late Representative James A. Gallivan, Massachusetts, D.
 Adjourned.

Wednesday, April 4, 1928

Senate:

Continued consideration of and passed H. R. 11133, the District of Columbia appropriation bill.
 Passed a number of bills on the calendar.
 Executive session.
 Recessed.

House:

Passed a number of bills on the calendar.
 Adopted H. J. Res. 262, inviting the Republics of America to attend a conference on conciliation and arbitration in Washington during 1928 and 1929.

Thursday, April 5, 1928

Senate:

Resumed consideration of the farm relief bill and discussed naval oil leases.
 Executive session.
 Adjourned.

House:

Debated H. R. 8972, to permit the pooling of interests for the importation of certain raw materials.
 Discussed proposed increase of pay for Federal employees and universal draft in time of war.
 Sent District of Columbia appropriation bill to conference.
 Adjourned.

Friday, April 6, 1928

Senate:

Passed several bills on the calendar.
 Debated farm relief bill.
 Executive session.
 Adjourned to meet Sunday, April 8, 1928.

House:

Debated H. R. 8022, to permit the pooling of interests for the importation of certain raw materials and defeated the bill by a vote of 181 to 120.

Passed several bridge bills.

Adjourned to meet Monday, April 9.

Sunday, April 8, 1928**Senate:**

Met at 3 o'clock p. m. to hear memorial addresses on the late Senator Andrieus A. Jones, D., of New Mexico.

Adjourned.

House:

Not in session.

Monday, April 9, 1928**Senate:**

Passed a number of bills on the calendar.

Discussed World Court resolution, S. Res. 139.

Resumed debate on farm relief bill.

Executive session.

Recessed.

House:

Considered and passed several bills relating to the District of Columbia.

Adjourned.

Tuesday, April 10, 1928**Senate:**

Continued debate on the McNary farm relief bill.

Executive session.

Recessed.

House:

Began consideration of and debated H. R. 12875, the legislative appropriation bill.

Adjourned.

Wednesday, April 11, 1928**Senate:**

Continued discussion of the McNary farm relief bill and agreed to amendments.

Executive session.

Recessed.

House:

Debated, amended and passed H. J. Res. 200, to establish a wild-life and fish refuge on the upper Mississippi River.

Debated and passed H. R. 12632, to provide for the eradication or control of the European corn borer.

Considered several bills on the calendar.

Adjourned.

Thursday, April 12, 1928**Senate:**

Mr. Couzens, Mich., R., and Mr. Moses, N. H., D., spoke on Mr. Couzens' resolution, S. Res. 173, calling for the resignation of Andrew W. Mellon, Secretary of the Treasury.

Resumed debate on the McNary farm relief bill; defeated an amendment to eliminate the equalization fee provision and passed the bill by a vote of 52 to 23.

Adjourned.

House:

Resumed debate on the legislative appropriation bill.

Discussed tax reduction, irrigation, sugar and farm relief.

Adjourned.

Friday, April 13, 1928**Senate:**

Passed a number of bills on the calendar.

Began consideration of H. R. 12286, the naval appropriation bill, and agreed to several Senate amendments to the bill.

Executive session.

Adjourned to meet Monday, April 17.

House:

Passed, with House amendment, S. 2900, the omnibus pension bill, granting pensions and increases of pensions to certain sailors and soldiers of the Civil War and to dependents and relations of certain sailors and soldiers.

Passed H. R. 12381, granting pensions to Civil War veterans.

Continued debate on the legislative appropriation bill.

Discussed Federal Courts, American investments abroad and Muscle Shoals.

Adjourned.

Saturday, April 14, 1928**Senate:**

The Senate was not in session.

House:

Resumed consideration of the legislative appropriation bill, H. R. 12875, and passed the bill.

Adjourned.

Sunday, April 15, 1928**Senate:**

The Senate was not in session.

House:

The House met at 12 o'clock noon to hear eulogies on the late Representative Walter W. Magee, N. Y., R., and the late Senator Andrieus A. Jones, N. Mex., D.

Monday, April 16, 1928**Senate:**

Passed several bills on the calendar.

Continued debate on naval appropriation bill.

Discussed Salt Creek, Wyo., oil reserves and the Nicaraguan situation.

Held exercises in honor of the memory of Andrew Jackson.

Addresses by Messrs. Neely, Tenn., D., McKellar, Tenn., D., and Brookhart, Iowa, R.

Adjourned.

House:

Passed a number of bills on the consent calendar.

Passed H. R. 12688, the army housing bill.

Passed H. R. 12821, providing for additional hospital facilities for World War veterans.

Passed H. R. 13039, amending insurance provisions for World War veterans.

Passed H. R. 5527, to prevent fraud, deception and improper practice in connection with business before the Patent Office.

Adjourned.

Tuesday, April 17, 1928**Senate:**

Passed a number of bills and resolutions on the calendar.

Discussed S. 1462, providing for the adoption of the Columbia Basin project.

Resumed consideration of the migratory bird bill, S. 1271, as unfinished business.

Executive session.

Adjourned.

House:

Began consideration of and debated the flood control bill, S. 3740.

Adjourned.

Wednesday, April 18, 1928**Senate:**

Passed a number of bills on the calendar.

Debated an amendment to the naval appropriation bill offered by Mr. Blaine, Wis., R., prohibiting the sending of armed forces into foreign countries with which the U. S. is at peace unless war has been declared by Congress or unless a state of war actually exists under recognized principles of international law.

Resumed debate on the migratory bird bill, S. 1271, and passed the bill.

Executive session.

Adjourned.

House:

Continued consideration of the flood control bill, S. 3740.

Adjourned.

Thursday, April 19, 1928**Senate:**

Mr. Heflin, Ala., D., spoke on political and religious matters.

Resumed consideration of the Naval appropriation bill.

Adjourned.

House:

Resumed consideration of and debated the flood control bill, S. 3740.

Adjourned.

Paragraph News of National Issues

Compendium of Important Legislation Before the Seventieth Congress

Status as of April 24

Agriculture

On April 12 the Senate, by a vote of 53 to 23, passed the McNary farm relief bill, S. 3555, which, when it reached the House was referred to the Committee on Agriculture. The House committee promptly reported a bill with the Senate number, but containing the provisions of the House committee bill. A rule for the consideration of this bill has been granted by the House committee on rules which provides for the consideration of the bill by the House immediately following action on the flood control bill. It is anticipated that the McNary-Haugen bill will be passed by the House, reported from conference and finally passed by both Houses by the middle of May. The differences between the Senate and House bills relate principally to administrative features and little trouble is anticipated in reconciling them when the bill is taken up in conference.

The Capper and Ketcham bills for increased appropriations for county extension work by the Department of Agriculture have passed the House and Senate, respectively, and are now in conference.

The McNary bill, making appropriations for research work in forestry, has passed the Senate and a similar bill, the McSweeney bill, H. R. 6091, has been reported to the House from the committee on agriculture and is awaiting action.

The Capper bill, S. 3845, amending the cotton and grain futures laws, was reported to the Senate on April 19. A similar House bill is before the House committee.

The European corn borer bill, H. R. 12632, passed the House on April 11 and was reported to the Senate from the committee on April 19.

The agricultural attache bill, H. R. 11074, has passed the House and was reported to the Senate on April 19. This bill provides for sending abroad agents of the Department of Agriculture to study foreign conditions.

Representative Sweet, N. Y., R., has introduced a resolution, H. J. Res. 282, directing the Tariff Commission to investigate agricultural products under the flexible provisions of the tariff law and appropriating \$150,000 for this purpose. The bill is before the House committee on ways and means.

Three bills have been introduced in the Senate and are before the committee to carry out the recommendations made by the American Farm Bureau Federation in 1927 designed to strengthen the present farm loan system.

The McNary bill, S. 1181, appropriating money for reforestation and land purchases, passed the Senate February 26, authorizing the expenditure of \$40,000,000 over a period of 10 years. It passed the House March 14, amended to authorize the expenditure of \$4,000,000 in two years and is in conference.

The House adopted an amendment to the Department of Agriculture appropriation bill forbidding further price prediction on cotton by the Department. The Senate committee on agriculture and forestry, to which this bill was referred, is conducting an investigation of the drop of cotton prices in the autumn of 1927.

Appropriations

On April 24 all the annual supply bills appropriating money for running the Government for the fiscal year ending June 30, 1929, had passed the House and had either gone through both Houses and been signed by the President or were in advanced stages of legislative progress, with the single exception of the second deficiency bill. This last-named measure is never brought out of the House committee on appropriations until near the end of the session, as it is always the final appropriation bill and is designed to care for various items that are considered necessary, at the last moment, to provide for.

Beginning on December 6, the opening day of the present session, the House committee on appropriations has been reporting appropriation bills at intervals averaging about ten days. These bills have been considered and passed by the House on a regular schedule, fixed with the idea of sending them over to the Senate in time for all of them to reach final passage early in May. No matter what may happen to other legislation, definite provision is always made for the supply bills, since their passage is necessary to the functioning of the Government.

The status of the supply bills, as of April 24, together with the appropriation carried by each, at that status, follows:

First deficiency bill, 1928, carrying \$200,936,668; State, Justice, Commerce and Labor, carrying \$89,820,597; Interior Department, carrying \$272,656,039; War Department, carrying \$398,517,221.50, and Treasury and Post Office, carrying \$1,061,342,060, had passed both Houses and had been signed by the President.

Independent offices, carrying \$527,672,485; District of Columbia, carrying \$38,151,428; and Department of Agriculture, carrying \$139,609,738.88, had passed both Houses and were in conference.

The Navy Department bill passed the House March 27 and was reported to the Senate April 12, carrying \$363,737,017.69.

The Legislative Appropriation bill passed the House April 12 and was reported to the Senate April 21, carrying \$17,739,423.26.

The total amount of appropriations carried in these bills at the status given was \$2,110,182,678.33.

Aeronautics

Army and Navy—Development of Army and Navy aviation was provided for in a comprehensive program laid down by the 69th Congress. The carrying out of this program is provided for annually in the regular appropriation bills. No changes are contemplated at this session in the general legislation except concerning the Aircraft Procurement Board and possibly a raise in pay for members of the air service, several bills for which have been introduced.

The House, on January 16, passed a bill providing for an Aircraft Procurement Board, consisting of representatives of the various executive departments using aircraft, whose duty would be to consider and co-ordinate all plans for the procurement of aircraft, aircraft engines and accessories. The

bill is now pending in the military affairs committee of the Senate.

On April 16 the House passed H. R. 5465, providing that when naval officers are assigned to airships, on duty requiring them to participate regularly and frequently in aerial flights, the Secretary of the Navy may declare such service equivalent to sea duty. This bill is now before the Senate committee on naval affairs.

Civil—Regulation and advancement of commercial aviation are dealt with in a number of bills introduced in the present Congress. The expansion of the air mail service, operated by private enterprises under contract with the Post Office Department, has been recommended. Increased appropriations for lighting airways have been recommended by President Coolidge and are included in the appropriation bill for the State, Justice, Commerce and Labor Departments. A goal of 1000 miles of lighted airways by the end of the fiscal year ending June 30, 1929, has been set in these proposals.

The bill (H. R. 7213) granting authority to the Postmaster General to make contracts for the transportation by air to foreign countries and insular possessions of the U. S. passed the House on February 20 and the Senate on March 2. This bill was recommended by the Postmaster General in order that he might be able to aid in the development of an air mail service between the United States and Latin American countries.

On April 16 the House passed H. R. 11990 to authorize the leasing of public lands, not to exceed 640 acres, for aviation purposes, subject to the approval of the Secretaries of the Interior and Commerce. The bill provides for leases for 20 years, subject to renewal at the discretion of the Secretary of the Interior. This bill is now before the Senate committee on public lands and surveys.

The Department of Commerce appropriation bill carried appropriations of \$4,361,850, for use by the department in the promotion of commercial aviation, of which \$702,000 is for aircraft in commerce and \$3,659,850 for air navigation. The former amount is to cover research work, regulation, licensing, inspection, mechanical work and other administrative work the department carries on. The latter is for extending and lighting airways and assisting in the general development of commercial aviation along established routes.

Alien Property

On March 10 the President signed the Alien Property bill (H. R. 7201). This measure provides the necessary legislation for the payment of claims of American nationals against Germany and for the payment of claims of German, Austrian and Hungarian nationals for property seized by the American Government during the World War.

Banking

The power of States to tax national bank shares has been limited for over sixty years by a provision of the National Banking Act that the rate or burden of tax imposed upon shares shall not be greater than the taxing State imposes upon other moneyed capital "in the hands of individual citizens." Amendments changing the limitation so that the tax on national banks shall be equivalent to that imposed on State banks or other capital used in the business of banking have been passed by the House and have been referred to the Senate Committee on Banking and Currency. Hearings on the bill of Senator Norbeck, S. D., R., for the same purpose, began on February 23. Opposition is based on the assertion that the amendment would permit unfair discrimination in taxation of banks as compared with other busi-

nesses handling moneyed capital. This bill is still in the Committee.

Both Houses have passed H. R. 6491, by Mr. McFadden, Pa., R., making it possible for a maximum of three banks to have interlocking directorates if not in substantial competition with each other. The McFadden bill for the retirement of Federal Reserve employees has been reported to the House and is on the Unanimous Consent Calendar.

Several bills have been introduced in the Senate providing for a retirement fund for officers and employees of banks in the Federal Reserve System, but have not been reported out. (See CONGRESSIONAL DIGEST, March, 1926.)

Boulder Dam

On March 15 the House Committee on irrigation and reclamation reported the Swing Boulder Dam bill, H. R. 5773, and on March 16 the Senate committee on irrigation and reclamation reported the Johnson Boulder Dam bill, S. 728. The Swing bill authorizes advances by the Government of \$125,000,000 and the Johnson bill advances of \$150,000,000 for the construction of the project, the money to be paid back from the funds derived from the sale of power. The states affected by the proposed bills are California, Arizona, Nevada, Utah, Wyoming, Colorado and New Mexico. Mr. Douglas, Ariz., D., in the House, and Senator Ashurst, Ariz., D., in the Senate are opposing the bills.

Hearings by the House committee on rules for a special rule for consideration of the Swing bill were scheduled to be completed on April 27, with Mr. Swing to be heard in support of the request for a rule for the bills' consideration, following the passage of the farm relief bill, with Mr. Douglas appearing against the issue of the rule.

In the Senate the Johnson bill has been given a preferred status and is due for consideration following the disposition of the naval appropriation bill.

Child Labor

The amendment to the constitution passed in June, 1924, for the protection of children would give to Congress the power to legislate with respect to the work of persons under 18 years of age. To date five States have ratified the amendment, two have rejected it, nine have rejected it in one house of the State legislature, two have postponed indefinitely its consideration and the remaining States have taken no action. Representative Zihlman of Maryland introduced a bill (H. R. 6685) in the House to regulate child labor in the District of Columbia, has passed the House, has been reported to the Senate and is on the calendar awaiting action. (See CONGRESSIONAL DIGEST, February, 1923.)

Civil Service

The Senate committee on civil service has reported the Dale bill and the House committee on civil service has reported the Lehlbach bill for civil service retirements and the bills are awaiting action in both Houses.

The Senate committee has reported Senator Dale's bills placing under the classified service postmasters promoted from the ranks and his bill extending the civil service to postmasters of the third class. The Senate on April 13 passed Senator Dale's granting Saturday half holiday to certain Government employees. (See CONGRESSIONAL DIGEST, April, 1923.)

Coal

Following the adoption by the Senate on February 16 of the Johnson resolution (S. J. Res. 195) for an investigation

of the coal strike in Ohio, Pennsylvania and West Virginia, a subcommittee of the Senate Committee on Interstate Commerce visited the coal fields. The subcommittee, comprised of Messrs. Gooding, Idaho; Metcalf, R. I., and Pine, Okla., Republicans; and Wheeler, Mont., and Wagner, N. Y., Democrats, returned to Washington and reported to the full committee on March 6. On March 7 the full committee began hearings, which were continuing on April 24.

Copyright

The House, on February 6, passed, under suspension of the rules, H. R. 6104, increasing registration fees in the Copyright Office from \$1 to \$2 for all published work and increasing to \$1 the cost of copyright catalogues. This bill is before the Senate Committee on Patents.

Bills for amending the copyright laws and authorizing the United States to join the International Copyright Union are still pending in the House Committee on Patents. On April 23, the committee after holding hearings reported H. R. 13109 to incorporate into one act the various Federal trade mark acts. (See CONGRESSIONAL DIGEST, October, 1927.)

District of Columbia

Hearings have been held by the Senate Committee on the District of Columbia and the Judiciary Committee of the Houses. The bill carrying \$25,000,000 for the purchase of stitution of the United States providing suffrage for the District of Columbia. The annual appropriation bill for the District of Columbia, carrying \$38,151,428, has passed both Houses. The bill carrying \$25,000,000 for the purchase of sites for new public buildings in the District has been passed by both Houses.

Flood Control

On April 24, the House, by a vote of 254 to 91, passed the Jones-Reid flood control bill (S. 3740). This bill, as amended in the House Committee on flood control and on the floor of the House, authorizes the expenditure of 325,000,000 for flood control of the Mississippi River and an authorization of \$17,600,000 for flood control of the Sacramento River in California. The entire cost of these projects, under the terms of the bill, are to be paid by the Federal Government. The bill was before the Senate on April 25 for reference to the Committee on Commerce. President Coolidge has announced his disapproval of several provisions of the bill as passed. Flood control has been one of the controversial problems of this session of Congress. (See CONGRESSIONAL DIGEST, February, 1928.)

Foreign Affairs

Various bills and resolutions relating to foreign affairs are before the Senate Committee on Foreign Relations and the House Committee on Foreign Affairs, ranging all the way from those to outlaw war to bills providing appropriations for participation by the United States in international meetings in all parts of the world. The House Committee has reported several bills relating to administrative matters in the foreign service. It has before it the Tinkham resolution requesting the President to call a Third Hague Conference to recodify international law. The Senate Committee on Foreign Relations has before it the Nicaragua treaty as well as arms embargo, work court resolutions and resolutions covering investments in foreign countries, but has taken no action.

The Senate ratified, on March 14, the supplementary United States-Honduran extradition treaty.

Immigration

See this number.

Labor

Several important measures affecting labor are pending in both Houses of Congress. The Cooper-Hawes convict labor bill, which gives the States the right to determine whether convict-made goods may be shipped into them was reported by the Senate Committee on Education on February 21 and by the House Committee on March 13.

The Committees on the Judiciary of both Houses have held hearings on the Shipstead-LaGuardia bill to eliminate the issuing of injunctions in the labor disputes and the House Committee on Labor has held hearings on the Bacon bill providing that wages paid for those employed on Federal construction work shall be the same as the prevailing wages paid for State Government work in the State where the Federal work is being done.

Merchant Marine

The Senate on January 31, 1928, passed the bill introduced by Mr. Jones, Wash., R., authorizing the Shipping Board to construct new ships for the Merchant Marine and providing that no Government-owned merchant vessel shall be sold, except by a unanimous vote of the members of the Board. This bill was referred to the House Committee on Merchant Marine and Fisheries. Before that committee are several House bills. Mr. Wainwright, N. Y., R., has introduced a bill directing the Shipping Board to advertise for sale the United States lines, whose ships are the Leviathan, George Washington, President Roosevelt, President Harding, America and Republic. If no purchasers are found within six months, the bill provides that the Board shall build new ships for this line. Mr. Wood, Ind., R., has introduced a bill providing various aids for private ship owners and for the immediate sale of all useless ships of the Government and the operation of the remainder only until they can be sold. It further provides for the loan of money by the Government at a low rate of interest to private American citizens for the construction of new tonnage to be operated under the American flag. On February 9 Mr. White, Maine, R., chairman of the House Committee on Merchant Marine and Fisheries, introduced a bill, accompanied by a statement in which he described the bill as an alternative for permanent Government ownership. The bill provides that the construction loan fund of the Shipping Board shall be so liberalized that an American citizen or firm can borrow three-fourths of the cost of a ship to be built in an American shipyard at a rate of interest not lower than 2½ per cent; authorizes to let out by contract the operation of essential trade routes; authorizes the Postoffice Department to enter into agreements with American ship owners to carry the mails; creates a naval reserve in the Merchant Marine and authorizes the Shipping Board to create an insurance fund for the benefit of American ship owners.

On April 17 the House committee reported the Jones bill, striking out all but the enacting clause and substituting a bill amending the Senate bill but retaining several of its features. Among the changes made in the Senate bill are the following: The House bill increases the Shipping Board's construction loan fund from \$125,000,000 to \$250,000,000. The House bill provides that any vessel or line of vessels may be sold by an affirmative vote of five members of the Shipping Board whereas the Senate bill requires a unanimous vote. The Senate bill authorizes the Board to build new ships, but the House bill authorizes the Board to contract with private shipyard to build ships for the Board, the authority of Congress to order the building of new ships being required. The Senate bill provides that the employees of the

Shipping Board and Merchant Fleet Corporation be placed under the Civil Service. This provision is stricken out of the House bill. The provisions for mail contracts and other aids contained in the Senate bill are retained in the House bill. The Rules Committee of the House has been asked for a special rule for early consideration of the Merchant Marine bill.

Motor Buses

Two bills for Federal control of motor bus lines doing interstate business are before the House Committee on Interstate and Foreign Commerce, the Parker bill, dealing with both passenger and freight buses, and the Denison bill, dealing with passenger buses only. The committee has held hearings on these bills and the work of preparing a committee bill and report is in the hands of a subcommittee.

Muscle Shoals

After prolonged debate the Senate, on March 13, passed the resolution introduced by Senator Norris, Neb., R. (S. J. Res. 46), providing for the further development of the Muscle Shoals project by the War Department and its operation by the Government through the Department of Agriculture for the manufacture of fertilizers for sale at low rates to farmers. When it reached the House the Norris resolution was referred to the Committee on Military Affairs. On March 17, Senator Norris appeared before that committee and stated that his resolution, if enacted into law, would enable the Government to experiment in the production of cheap fertilizer and, furthermore, it would insure cheap electric power to the consumer.

The House Committee on March 30 reported the Norris resolution amended so as to cut out everything but the enactment clause and substituting the Morin bill (H. R. 2448). The Morin bill provides for the operation of the Muscle Shoals project by the Government for the production of fertilizers and power. In its report the committee recommended ultimate operation of the project to be placed in private hands. The failure of private interests to offer a satisfactory bid, the report states, caused the committee to recommend Government operation. On April 24, the Morin bill was before the House Committee on rules awaiting a special rule for its consideration in the House.

National Defense

The House, on March 17, by a rising vote of 287 to 58, passed the naval construction bill (H. R. 11526), providing for the beginning during the next three years of the construction of 15 cruisers and one air-craft carrier at a total cost of \$274,000,000. The bill was sent to the Senate and referred to the Committee on Naval Affairs.

On March 17, the Secretary of the Navy presented to the House Committee on Foreign Affairs a letter from the General Board of the Navy opposing the resolution of Mr. Theodore Burton, O., R. (H. J. Res. 183), to prohibit the exportation of arms and munitions to belligerent nations. The Burton resolution had been reported by the Committee on Foreign Affairs, but was recommitted in order that the objections of the War and Navy Departments might be heard. The principal objection of the Board, supported by the Secretary, was that it would do away with the present control by the President of the United States of shipments of arms to Latin American countries. This would result in the purchase by those countries of arms in other countries than the United States and their ability to keep such purchases secret, and would develop the manufacture of arms in the Latin American countries, thereby increasing the chances for revolutionary disorders. The Board recom-

mended that international traffic in arms and munitions should continue under the control of international law. On March 15, the Secretary of War appeared before the committee and opposed the resolution on the ground that it would be the means of crippling the munitions industry of the United States and a consequent impairment of the national defense. Protests were also presented by patriotic societies and representatives of the American chemical manufacturers.

The bill is still on the House calendar, but the committee has not concluded its hearings.

Norris Amendment

The Senate, on January 4, passed the Norris resolution providing for an amendment to the Constitution of the U. S. fixing the terms of the President and Vice-President and changing the dates of convening and adjournment of Congress. The resolution was referred to the House Judiciary Committee, which reported it with slight amendments contained in a similar resolution introduced in the House by Mr. White, Kansas, R. On March 9, the House defeated the resolution. A two-thirds vote was required for its passage, since it provided for an amendment to the Constitution. The vote in the House was 209 for the resolution and 157 against it.

Philippine Independence

Several bills have been introduced in previous years demanding independence for the Philippines, but no action has been taken on the floor of either House of Congress. Bills have been submitted to this Congress, but none of them have administration backing. (See CONGRESSIONAL DIGEST, April, 1924.)

Postal Rates

A bill to restore the one-cent postal rate on private mailing cards has passed the House and is now before the Senate Committee on Postoffices and Post Roads.

Prohibition

No action has been taken on the many bills introduced for the modification, enforcement or repeal of the Eighteenth Amendment by committees in either House of Congress. During consideration by the House of the Treasury Department appropriation bill on February 14 Mr. Linthicum, Md., D., one of the anti-prohibition leaders in the House, offered an amendment to prohibit the issuance of permits for the removal of any alcohol containing poisonous drugs or other injurious compounds. The Linthicum amendment was defeated by a vote of 167 to 29. (See CONGRESSIONAL DIGEST, October, 1924, and June, 1926.)

Public Health

The House on March 7 passed the Parker bill (H. R. 11026) providing for the coordination of the various public health activities of the Government. The bill is before the Senate Committee on Commerce.

Public Utilities

On February 15 the Senate, by a vote of 46 to 31, adopted the amendment of Mr. George, Ga., D., to the resolution of Mr. Walsh, Mont., D., providing that the investigation of public utilities corporations be made not by a committee of the Senate, as Mr. Walsh proposed, but by the Federal Trade Commission and passed the Walsh resolution thus amended. Under the terms of the George amendment the Federal Trade Commission is required to report to the Senate every 30 days the progress of the work.

Continued on page 176

EXECUTIVE DEPARTMENT

The White House Calendar

March 20 to April 20

Addresses

April 15—Address of President Coolidge accepting the Statue of President Andrew Jackson at Washington, D. C.

April 16—Address of President Coolidge before the Society of the Daughters of the American Revolution at Washington, D. C.

Executive Orders

March 22—An executive order excluding lands on Baranoff Island from the Tongass National Forest, Alaska.

March 26—An executive order withdrawing 32.42 acres of land near the Siskiyou National Forest, Oregon, for use by the Forest Service as a ranger station.

April 2—An executive order granting subsistence and rental allowance to officers of the various services for the fiscal year ending June 30, 1929.

April 2—An executive order withdrawing a 40-acre tract of land in Oregon for use as a lookout station.

April 3—An executive order reserving approximately 5200 acres in Oregon for use by the Department of Agriculture as the upper Klamath Wild Life Refuge.

April 6—An executive order rescinding orders of April 10 and June 5, 1925, establishing certain areas in Camp Dix, New Jersey, and Camp Knox, Kentucky.

April 17—An executive order extending for ten years the period of trust on the allotments made to the Pottawatomie Indians in Kansas.

Proclamations

March 27—A proclamation increasing the rate of duty on barium carbonate from 1 cent per pound to 1½ cents per pound.

April 4—A proclamation modifying the boundaries of the Cherokee National Forest in Georgia, North Carolina and Tennessee.

Important Civilian Appointments

March 21—Frank Clark, of Florida, to be a member of the U. S. Tariff Commission for the term expiring Sept. 7, 1930.

March 21—Edwin B. Parker, of Texas, to be war claims arbiter, under Sec. 3 of the Act of Congress approved March 10, 1928, entitled "Settlement of War Claims Act of 1928."

March 21—Harold Louderback, of California, to be U. S. district judge, Northern District of California.

March 24—Harold C. Hill, of Honolulu, Hawaii, to be collector of internal revenue for the District of Hawaii.

April 2—Thomas S. Horn, of Missouri, now a foreign service officer of class 8 and a consul, to be also secretary in the Diplomatic Service.

April 4—John W. Malen, to be a temporary ensign in the Coast Guard, to take effect from date of oath.

April 10—George Wadsworth, now a foreign service officer of class 5 and a consul, to be also a secretary in the Diplomatic Service.

April 13—S. Pinkney Tuck, of New York, now a foreign service officer of class 4 and a consul, to be also a secretary in the Diplomatic Service.

April 13—Ellis O. Briggs, of New York, now a foreign service officer unclassified, and a vice consul of career, to be also a secretary in the Diplomatic Service.

April 13—Elbridge D. Rand, of California, now a foreign service officer of class 4 and a secretary in the Diplomatic Service, to be also a consul.

Messages and Communications to Congress

March 20—A message transmitting a report of the Secretary of the Treasury regarding proposed action by the United States with respect to the Austrian debt.

March 23—A communication transmitting supplemental estimate of \$50,000 for the legislative establishment for the fiscal year 1929.

March 27—A communication transmitting supplemental estimate of \$100,000 for the legislative establishment for the fiscal year 1929.

March 29—A communication transmitting a supplemental estimate of \$10,000 for the Botanical Gardens for 1929.

April 6—A communication transmitting from the Secretary of the Treasury a supplemental appropriation of \$9,750,000 for public buildings for the fiscal year 1929.

April 6—A communication transmitting from the Secretary of the Treasury a supplemental estimate of \$15,463,500 for public buildings for the fiscal year 1929.

April 10—A communication transmitting draft of bill to continue available until June 30, 1929, an appropriation of \$50,000 for the use of the Oil Conservation Board.

April 10—A communication transmitting a supplemental estimate of \$10,000 for the Department of State.

April 10—A communication transmitting a supplemental estimate of \$400,000 for the Treasury for beginning work on the construction of the Industrial Reformatory, Chillicothe, Ohio.

April 10—A communication transmitting a supplemental estimate of \$6,230,000 for the Treasury for retiring outstanding bonds secured by the Cape Cod Canal.

April 10—A communication transmitting supplemental estimate of \$50,000,000 for the Treasury for the fiscal year 1928, for carrying out the provisions of the war claims act of 1928.

April 10—A communication transmitting draft of proposed legislation transferring, on July 1, 1928, the care and maintenance of certain public buildings from the Secretary of War to the Director of Public Buildings and Parks of the National Capital.

April 10—A communication transmitting a supplemental estimate of \$15,500 for the Senate.

April 10—A communication transmitting a supplemental estimate of \$299,310 for the Treasury.

April 11—A message transmitting, with approval, a report of the Secretary of State regarding legislation authorizing salary increases for the judge and other officers of the United States Court for China.

April 12—A communication transmitting supplemental estimate of \$28,850 for the legislative establishment.

Continued on page 178

Uncle Sam's Book Shelf

A Selected List of Publications of General Interest Issued by the Federal Government During the Month

Copies of these publications may be obtained from the Superintendent of Documents, Government Printing Office, Washington, D. C., at the prices listed below.

Agriculture

Crossing of Wheats in California

"Inheritance of Awnedness, Yield, and Quality in Crosses Between Bobs, Hard Federation, and Propo Wheats, at Davis, California;" by J. Allen Clark, and others. (Agriculture Technical Bulletin 39.) Price, 10 cents. Covers wheats of better yield and quality desired, segregation of characters, correlation of characters, etc.

Cedar Borers

"The Western Cedar Pole Borer or Powder Worm;" by H. E. Burke. (Agriculture Technical Bulletin 48.) Price, 5 cents. Covers history, economic importance, distribution, food plants, character of the injury, etc.

Co-operative Marketing of Livestock

"Co-operative Marketing of Livestock in the United States by Terminal Associations;" by C. G. Randall. (Agriculture Technical Bulletin 57.) Price, 25 cents. Covers why co-operative commission associations were established, early attempts at terminal marketing, co-operative commission agency in operation, etc.

Cotton Price Factors

"Factors Affecting the Price of Cotton;" by Bradford B. Smith. (Agriculture Technical Bulletin 50.) Price, 15 cents. Covers purpose and timeliness of the study, markets where cotton prices are made, effect of size of supply on price and value of crop, factors influencing monthly prices of cotton, etc.

Grain Standards

"Handbook of Official Grain Standards." (Bureau of Agriculture Economics.) Price, 15 cents. Covers standards for wheat, shelled corn, oats, feed oats, mixed feed oats, rye, grain sorghums, barley, etc.

Insects Injurious to Rice

"Insects Injurious to the Rice Crop;" by J. W. Ingram. (Farmers Bulletin 1543.) Price, 5 cents. Covers the rice stinkbug, the rice water weevil, borers in rice, minor insect pests, insects in California rice fields, and summary of control measures.

Irrigation Water Delivery

"Delivery of Irrigation Water;" by Wells A. Hutchins. (Agriculture Technical Bulletin 47.) Price, 10 cents. Covers definition of terms, control and operation of laterals, methods of delivering water, etc.

Mushroom Diseases

"Some Mushroom Diseases and Their Carriers;" by Vera K. Charles, and C. H. Popenoe. (Agriculture Circular 27.) Price, 5 cents. Covers bubbles disease, control measures, fumigation, plaster-mold disease, control measures, etc.

Polk County, Oregon. Soil Surveys

"Soil Survey of Polk County, Oregon;" by E. F. Torgerson, and others. (Bureau of Soils.) Price, 25 cents. Covers description of the county, climate, agriculture, soils, with summary and map.

Salt Pork Investigation

"Some Results of Soft-Pork Investigations, 2." (Agriculture Bulletin 1492.) Price, 15 cents. Covers the soft-pork problem, relation of composition of fat to firmness of carcass, results of investigations, etc.

Silage and Sorage Fodder for Calves

"Sorage Silage, Sorage Fodder, and Cottonseed Hulls as Roughages in Rations for Fattening Calves in Southwest;" by W. H. Black, and others. (Agriculture Technical Bulletin 43.) Price, 10 cents. Covers region and its problems, object of experimental work, plan of work, feeds used, etc.

Strawberry Packing

"Preparing Strawberries for Market;" by R. G. Hill. (Farmers Bulletin 1560.) Price, 5 cents. Covers importance of good handling, labor problems, picking, grading, standardized grades, packing, packing sheds, etc.

Sugar Beet Production Costs

"Cost of Producing Sugar Beets: pt. 10, United States, Summary of Costs of Production of Sugar Beets in the United States and an Economic Analysis of the Sugar Beet Industry, 1921, 1922, and 1923." (Tariff Commission.) Price, 20 cents. Covers economic significance of sugar-beet industry in United States, historical development of sugar-beet industry, description of growing of sugar beets and of the manufacture of beet sugar, etc.

Treatment of Potato Sets

"Source, Character, and Treatment of Potato Sets;" by Wm. Stuart, and others. (Agriculture Technical Bulletin 5.) Price, 10 cents. Covers source of potato sets, character and treatment of potato sets, comparison of greened and ungreened seed, and literature cited.

Workers in Agricultural Colleges

"Workers in Subjects Pertaining to Agriculture in State Agricultural Colleges and Experiment Stations, 1927-1928;" by Mary A. Agnew. (Agriculture Miscellaneous Publication 12.) Price, 20 cents. Covers key to abbreviations, State agricultural colleges and experiment stations, index of names, etc.

Birds

North American Shore Birds

"Life Histories of North American Shore Birds;" by Arthur C. Bent. (National Museum Bulletin 142.) Price, 85 cents. Covers order Limicola, references to bibliography, explanation of the plates, and index.

Education

Home Economics Education

"Achievements in Home Economics Education;" by Emeline S. Whitcomb. (Bureau of Education Bulletin 1927, No. 35.) Price, 5 cents. Covers findings of statistical study of home economics in the public high schools, curriculum making, child development and parental education, the school lunch, etc.

Public High School Statistics

"Statistics of Public High Schools, 1925-1926." (Bureau of Education Bulletin 1927, No. 33.) Price, 10 cents. Covers introduction, reorganized high schools, size of high school, administrators and supervisors, etc.

Foreign Commerce

Canned Food Markets in British Malaya

"Market for Canned Foods in British Malaya;" by John H. Bruins. (Trade Information Bulletin 534.) Price, 10 cents. Covers importance and present demand of the market, lack of diversification in products, physical characteristics of district, etc.

Electric Supplies in Irish Free State

"Irish Free State as a Market for Electrical Machinery and Supplies;" by Julian F. Harrington. (Trade Information Bulletin 531.) Price, 10 cents. Covers population, area and climate, purchasing power as a market factor, electric-power supply, electricity in industry, lighting, etc.

Hand Tools in Continental Europe

"Markets for Hand Tools in Continental Europe." (Trade Information Bulletin 533.) Price, 10 cents. Covers Western Europe, Central Europe, Baltic Area, and Southern Europe.

Taxes on Business in Great Britain

"Taxation of Business in Great Britain;" by Mitchell B. Carroll. (Trade Promotion Series 60.) Price, 20 cents. Covers structure of the income tax, rates in force, principle liability, what constitutes "doing business", taxpayers and basis of assessment, items not included in assessing income, etc.

Forestry**Measurement of Forest Timber**

"Instructions for the Scaling and Measurement of National Forest Timber." (Forest Service.) Price, 35 cents. Covers scaling logs, measuring, numbering and stamping logs, deductions for defects, scaling green and dead timber, penalty scale, settlement of complaints, check scaling, etc.

National Forest Management Plans

"Management Plans With Special Reference to the National Forests;" by Inman F. Eldredge. (Agriculture Miscellaneous Publication 11.) Price, 15 cents. Covers management plan in general, preparation of management plans, organization of the working circle, collection of data, objects of management, etc.

Government**Interstate Commerce Commission Finance Reports**

"Interstate Commerce Commission Reports, Volume 124, Decisions of the Interstate Commerce Commission of the United States, March to July, 1927." (Finance Reports.) (Interstate Commerce Commission.) Price, \$2.25. Covers members of the commission, tables of decisions, tables of cases cited, opinions of the commission, with index digest.

Interstate Commerce Commission Valuation Reports

"Decisions of the Interstate Commerce Commission of the United States, Volume 127, May, 1927." (Valuation Reports.) Price, \$2.25.

National Bank Decisions of Treasury

"Digest of Decisions Relating to National Banks, 1864-1926, Volume 1, 1864-1912." (Treasury Department Document 2890.) Price, \$1.25. Covers accommodation paper, actions, agent of shareholders, appeal, assessment, attachment, purchase of bonds, bonds of officers, etc.

U. S. Board of Tax Appeals Reports

"Reports of the United States Board of Tax Appeals, October 1, 1926, to January 31, 1927, Volume 5." Price, \$2.00. Covers members of the United States Board of Tax Appeals, table of proceedings reported, table of cases cited, table of statutes cited, table of regulations cited, etc.

Health**Leprosy Treatment**

"Benzocaine-Chaulmoogra Oil in the Treatment of Leprosy;" by F. A. Johansen. (Public Health Reprint 1193.) Price, 5 cents. Covers preliminary note on use of an oil-soluble analgesic which renders intramuscular injections of chaulmoogra oil painless, method of preparation, report of cases, illustrative cases, etc.

Scarlet Fever Control

"Scarlet Fever, Its Prevention and Control;" by J. W. Schereschewsky, and others. (Public Health Reprint 1202.) Price, 5 cents. Covers occurrence of scarlet fever, scarlet fever and season, age and scarlet fever, symptoms of scarlet fever, period of invasion, throat symptoms, etc.

Manufacturing**German Chemical Development**

"German Chemical Developments in 1927;" by Wm. T. Daugherty. (Trade Information Bulletin 532.) Price, 10 cents. Covers the German dye trust, international bargaining, European chemical pact, financial aspects, etc.

Metals and Machinery Statistics

"Record Book of Business Statistics; pt. 2, Metals and Machinery." (Supplement to Survey of Current Business.) Price, 10 cents. Covers iron, steel, machinery, nonferrous metals, tables, etc.

Merchant Marine**Merchant Marine Statistics, 1927**

"Merchant Marine Statistics, 1927." (Bureau of Navigation.) Price, 15 cents. Covers American tonnage, American tonnage tax, American seamen, American water-borne commerce, and world tonnage.

Ports of California

"The Ports of San Francisco, Oakland, Berkeley, Richmond, Upper San Francisco Bay, Santa Cruz, and Monterey, California." (Port Series 12.) Price, \$1.00. Covers port and harbor conditions, port customs and regulations, port services and charges, fuel and supplies, port and harbor facilities, etc.

Mining**Analyses of Oklahoma Coals**

"Analyses of Oklahoma Coals." (Mines Technical Paper 411.) Price, 10 cents. Covers the Oklahoma coal fields, mining methods in Oklahoma, transportation and distribution, production of coal in Oklahoma, etc.

Inflammability of Gases and Vapors

"Limits of Inflammability of Gases and Vapors;" by H. F. Coward and G. W. Jones. (Mines Bulletin 279.) Price, 20 cents. Covers propagation of flame in inflammable mixtures, choice of experimental conditions, theoretical considerations, experimental results, mixtures of combined inflammable gases, etc.

State Laws on Coal Mine Timbering

"State Laws Relating to Coal Mine Timbering;" by J. W. Paul and J. N. Geyer. (Mines Technical Paper 421.) Price, 10 cents. Covers operators' rules for safety, comparison of accidents by causes, fatality records by States, abstract of mine laws of States, extracts from State laws relating to timbering, etc.

Technical**Calculation of Antenna Capacity.**

"Methods, Formulas, and Tables for the Calculation of Antenna Capacity;" by Frederick W. Grover. (Standards Scientific Papers 568.) Price, 20 cents. Covers general method used for calculating the capacity, single horizontal wire, Howe's approximation, method of successive numerical approximations, etc.

Electric-Furnace Cast Iron

"Electric-Furnace Cast Iron;" by C. E. Williams and C. E. Sims. (Mines Technical Paper 418.) Price, 10 cents. Covers production of cast iron in electric furnace, ferrous scrap, study of carburization, production of synthetic cast iron in electric furnace, etc.

Electrical Equipment and Competition

"Electric-Power Industry, Supply of Electrical Equipment and Competitive Conditions." (70th Congress, 1st Session, Senate Document 46.) Price, 45 cents. Covers basis and scope, historical milestones in electrical development, electrical manufacturing companies, growth and profits of the General Electric Company, etc.

Simplified Practice in Handling Electric Wire

"Elimination of Waste Simplified Practice, Metal Spools, for Annealing, Handling and Shipping Wire." (Simplified Practice Recommendation 63.) Price, 5 cents. Covers simplified practice recommendation, history of project, general conference, and acceptance form.

JUDICIAL DEPARTMENT

The Month in the Supreme Court

March 19 to April 20

ON March 19, the U. S. Supreme Court took a recess until April 9. During the period from March 19 to April 16, there were three decisions days on which the Court rendered decisions in 117 cases. Of these, 35 were decided with opinions. The remaining 82 were "per curiam" decisions or decisions without opinion, meaning decisions by order of the Court, and decisions on petitions for rights of certiorari, or cases petitioning the Court to review the decisions of the lower court. The next recess will be from April 30 to May 14.

Flexible Provisions of Present Tariff Law Declared Constitutional

The Case—No. 242. J. W. Hampton, Jr. & Co., Petitioner, vs. The United States. On writ of certiorari to the United States Court of Customs Appeals.

The Decision—The judgment of the Court of Customs Appeals was affirmed, the Supreme Court holding that the flexibility provisions of the Tariff Act of 1922 are constitutional and that the fact that Congress declares, as provided in the flexibility provisions, that one of its motives in fixing rates of duty is to encourage the industries of this country, in competition with producers in other countries in the sale of goods in this country, cannot invalidate a revenue act so framed.

The Opinion—Mr. Chief Justice Taft delivered the opinion of the Court on April 9, 1928, which is, in part, as follows:

"J. W. Hampton, Jr., & Company made an importation into New York of barium dioxide which the collector of customs assessed at the dutiable rate of 6 cents per pound. This was 2 cents per pound more than that fixed by statute. The rate was raised by the collector by virtue of the proclamation of the President, issued under, and by authority of, Section 315 of Title III of the Tariff Act of September 21, 1922, which is the so-called flexible tariff provision. Protest was made and an appeal was taken.

"The case came on for hearing before the United States Customs Court. A majority held the act constitutional. Thereafter the case was appealed to the United States Court of Customs Appeals. On the 16th day of October, 1926, the Attorney General certified that in his opinion the case was of such importance as to render expedient its review by this Court. Thereafter the judgment of the United States Customs Court was affirmed. On a petition to this Court for certiorari, filed May 10, 1927, the writ was granted June 6, 1927.

"The issue here is as to the constitutionality of Section 315 [of the Tariff Act of 1922] upon which depends the authority for the proclamation of the President and for two of the six cents per pound duty collected from the petitioner. The contention of the taxpayers is twofold—first, they argue that the section is invalid in that it is a delegation to the President of the legislative power, which by Article I, Section 1 of the Constitution, is vested in Congress, the power being that declared in Section 8 of Article I, that the Congress shall have power to lay and collect taxes, duties, imposts and excises. Their second objection is that, as Section 315 was enacted with the avowed intent and for the purpose of protecting industries of the U. S., it is invalid because the

Constitution gives power to lay such taxes only for revenue.

"First—It seems clear what Congress intended by Section 315. Its plan was to secure by law the imposition of customs duties on articles of imported merchandise which should equal the difference between the cost of producing in a foreign country the articles in question and laying them down for sale in the United States, and the cost of producing and selling like or similar articles in the United States, so that the duties not only secure revenue but at the same time enable domestic producers to compete on terms of equality with foreign producers in the markets of the United States.

"Congress adopted in Section 315 the method of describing with clearness what its policy and plan was and then authorizing a member of the executive branch to carry out its policy and plan and to find the changing difference from time to time and to make the adjustments necessary to conform the duties to the standard underlying that policy and plan. As it was a matter of great importance, it concluded to give by statute to the President, the chief of the executive branch, the function of determining the difference as it might vary.

"He was provided with a body of investigators who were to assist him in obtaining needed data and ascertaining the facts justifying readjustments. There was no specific provision by which action by the President might be invoked under this act, but it was presumed that the President would, through this body of advisers, keep himself advised of the necessity for investigation or change and then would proceed to pursue his duties under the act and reach such conclusion as he might find justified by the investigation and proclaim the same if necessary.

"The Tariff Commission does not itself fix duties, but before the President reaches a conclusion on the subject of investigation, the Tariff Commission must make an investigation and in doing so must give notice to all parties interested and an opportunity to adduce evidence and to be heard.

"It is conceded by counsel that Congress may use executive officers in the application and enforcement of a policy declared in law by Congress and authorize such officers in the application of the Congressional declaration to enforce it by regulation equivalent to law. But it is said that this never has been permitted to be done where Congress has exercised the power to levy taxes and fix customs duties.

"The authorities make no such distinction. The same principle that permits Congress to exercise its rate-making power in interstate commerce by declaring the rule which shall prevail in the legislative fixing of rates, and enables it

to remit to a rate-making body created in accordance with its provisions the fixing of such rates, justifies a similar provision for the fixing of customs duties on imported merchandise.

"Second—The second objection to Section 315 is that the declared plan of Congress, either expressly or by clear implication, formulates its rule to guide the President and his advisory Tariff Commission as one directed to a tariff system of protecting that will avoid damaging competition to the country's industries by the importation of goods from other countries at too low a rate to equalize foreign and domestic competition in the markets of the United States.

"It is contended that the only power of Congress in the levying of customs duties is to create revenue and that it is unconstitutional to frame the customs duties with any other view than that of revenue raising. It undoubtedly is true that during the political life of this country there has been much discussion between parties as to the wisdom of the policy of protection, and we may go further and say as to its constitutionality, but no historian, whatever his view of the wisdom of the policy of protection, would contend that Congress since the first revenue act in 1789 has not assumed that it was within its power in making provision for the collection of revenue to put taxes upon importations and to vary the subjects of such taxes or rates in an effort to encourage the growth of the industries of the nation by protecting home production against foreign competition. It is enough to point out that the second act adopted by the Congress of the United States, July 4, 1789, contained the following recital:

"Sec. 1. Whereas it is necessary for the support of the government, for the discharge of the debts of the United States, and the encouragement and protection of manufac-

turers, that duties be laid on goods, wares and merchandise imported:

"Be it enacted, etc."

"In this first Congress sat many members of the Constitutional Convention of 1787. This Court has repeatedly laid down the principle that a contemporaneous legislative exposition of the Constitution when the founders of our Government and framers of our Constitution were actively participating in public affairs long acquiesced in fixes the construction to be given its provisions. The enactment and enforcement of a number of customs revenue laws drawn with a motive of maintaining a system of protection since the revenue law of 1789 are matters of history.

"The title of the Tariff Act of 1922, of which Section 315 is a part, is 'An act to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States and for other purposes.' Whatever we may think of the wisdom of a protection policy, we cannot hold it unconstitutional.

"So long as the motive of Congress and the effect of its legislative action are to secure revenue for the benefit of the general government, the existence of other motives in the selection of the subjects of taxes cannot invalidate Congressional action.

"And so here the fact that Congress declares that one of its motives in fixing the rates of duty is to fix them that they shall encourage the industries of this country in the competition with producers in other countries in the sale of goods in this country, cannot invalidate a revenue act so framed. Section 315 and its provisions are within the power of Congress. The judgment of the Court of Customs Appeals is affirmed."—*Extracts*.

Paragraph News of National Issues

Continued from page 171

Radio

Both Houses of Congress have passed the bill continuing in operation for another year the Federal Radio Commission. Various minor measures affecting radio have been introduced in both Houses.

Railroads

On April 3 the House Committee on Interstate and Foreign Commerce reported the Parker bill, H. R. 12620, for the unification or consolidation of carriers engaged in interstate commerce. Under this bill the consent of the railroads is necessary to consolidation and the roads are authorized to petition for such consolidation when a consolidation is effected, the bill provides, the privileges of the merger companies shall be given to the continuing company. The bill is on the House calendar. (See CONGRESSIONAL DIGEST, March, 1927.)

St. Lawrence Canal

On January 7 the National Advisory Council for Canada endorsed the project of the joint committee of Canadian and American engineers for the construction of the St. Lawrence Canal. No formal negotiations have been entered into by the United States and Canada. The St. Lawrence Commission of the United States has recommended that the two Governments enter into a treaty on the project. Legislation on this subject will not be considered until diplomatic negotiations are concluded. (See CONGRESSIONAL DIGEST, January, 1927, and January, 1928.)

Tariff Revision

Downward revision of tariff, designed to place agriculture on a parity with industry, was recommended by Senator McMaster, S. D., R., and adopted by the Senate on January 16, after a week of debate. The resolution was supported by Senators from the Agricultural States of the central north-west and by the Democrats. The resolution was sent to the House, where revenue legislation must originate, and referred to the Committee on Ways and Means. A number of tariff bills are awaiting consideration by that committee. The President has declared himself opposed to tariff reduction. (See CONGRESSIONAL DIGEST, January, 1928.)

Taxation

On April 24 the Senate Committee on finance reported the tax bill H. R. 1, amended to provide a total tax reduction of \$210,120,000. As it passed the House the bill provided a total reduction of \$290,000,000. Secretary Mellon recommended to the Senate Committee a total reduction of \$201,000,000.

Veterans

The Senate Committee on Military Affairs had before it on April 24 the Rogers bill carrying \$15,000,000 for hospital construction bill and the Johnson bill amending the laws governing the Veterans' Bureau, both of which have passed the House. The Johnson bill providing for a permanent medical corps in the Veterans' Bureau is before the House Veterans' Committee of the House.

Pro

Continued from page 164

CHARLES MCKEMY

Commissioner of Labor, State of Texas



HERE are three classes of people in the State of Texas who are made to keenly feel the consequence of the presence in our State of the large and rapidly increasing number of Mexican immigrants. First, there is that great army of people who have hitherto supplied the demand for common or unskilled labor. Mexican labor has supplanted native American labor to such an extent that today fully 75 per cent of the common or unskilled labor in my State is performed by Mexicans. This deplorable situation can be traceable only to one cause, and that is the inability of the American to compete with the Mexican in living standards. The standard of living among these Mexicans is so low that the American cannot maintain his family in comfort or decency by working for the same wages that the Mexicans receive. To ask him to do so is to repudiate the cherished American doctrine that all citizens should be required or permitted to give their families the advantage of education and enlightenment to the end that all may become good and useful citizens. Today there are thousands of good American citizens in our State who are without employment or means of earning a livelihood simply by reason of the fact that the incoming hordes of Mexicans have supplanted them in our industries. Many of these American citizens are home owners and taxpayers. It is not enough to plead individual initiative and personal resourcefulness and say that every man must work out his own salvation. In a matter of so great importance we should face facts as they are and not indulge fine theories about "melting pots" making good citizens of ignorant and vicious foreigners. The requirements of agriculture and industry for labor could easily be met by American labor should immigration and the importation of Mexican labor be stopped altogether, and there is no indication of the development of new industries on such a scale as to create a labor emergency. The simple and sordid truth is that employers of labor prefer to recruit Mexican labor because they can be induced to work for starvation wages. That American citizens are thus deprived of employment and confronted with the desperate situation of deprivation for their families does not seem to concern the men who direct the affairs of corporations with the sole purpose of paying dividends. The situation is not one of acute unemployment brought about by a temporary depression in business and industry, but the importation of Mexican labor is bringing about a permanent condition that militates against the native American workman as a permanent citizen.

In the city of San Antonio, rated by the Federal census as the largest city in Texas, and having without doubt the largest Mexican population of any city in the State—

On March 1 there were on the pay rolls of the city 1,800 employees, 1,000, or 55 per cent, of whom are Mexicans. And an estimate of the common laborers employed by the city shows that fully 95 per cent of such common labor is performed by Mexicans. This in the face of the fact that there are hundreds of American laborers in the city who are unable to procure employment.

A compilation of statistics in private industry in San Antonio, El Paso, and other cities of the State shows that approximately 75 per cent of the common labor is performed by Mexicans; that the Mexicans work for lower wages and that their presence in considerable numbers greatly lowers the wages paid Americans.—*Extracts, see 2, p. 178.*

Con

Continued from page 164

FRED H. BIXBY

my boys, too. And I want to tell you that you people have no understanding at all of the Mexicans. They are loyal. We provide them, of course, with proper habitations and conveniences. They will live, if they have nothing else. They will build a house out of tules and they will live there quietly, and the men will work, and no kick about anything. We provide them with house, wood, water and lights. We pay them exactly the same as we pay white men, and even pay them as high as \$6 a day. I do not want a bunch of negroes out in my country, not the cotton-picking type, and I want the cotton-picking type of Mexicans, because they would just as soon pick cotton, thin beets, pick fruit, harvest grains, raise vegetables—anything; they will work, and they are not 8-hour men; they are the kind that when you want them they will work all day or night and the next day without ever making a kick. I have had them do that time and again, and they will work when you are in a big hurry and go in Sundays and work. The white men will not work, and will say "Sunday is my day off."

Here is one more thing I want to call your attention to—the Mexican is necessary at the mines in Arizona.—*Extracts Sec. 1, p. 178.*

L. C. BRITE

President American National Livestock Association



AFTER 42 years' experience in using Mexican labor I have found them capable, dependable and honest, as a rule.

It is not a question of how many men may be seeking employment in our land, but the problem is how many are willing to go to the country and work 10 or 12 hours per day on a farm or ranch when they can likely get a higher wage working in town eight hours per day, with privileges and enjoyments of city life.

The Mexican farmer is not crowding anybody out of employment; he is filling an important place that nobody wants. It is said there is at present 4,000,000 men out of employment in this Nation of ours, and that the bread lines are getting long. This is a distressing condition, as we all know, and is confined mostly to the eastern and manufacturing centers. We all diagnose this condition as bad, but how about a remedy? Would it be wise to send a coal miner to Texas to raise cotton or to California to cultivate beets; if so, they can proceed without interfering with the Mexican farmers. There are plenty of idle and abandoned farms in Texas and surrounding States that can be occupied without interfering with the Mexican farmers. But the army of unemployed does not have to go as far as Texas to find abandoned farms.

There are plenty of abandoned farms at the very door, within the New England States. Do you think for a moment that a man who has worked in the city for a salary of \$3 to \$10 a day for 8 hours' work is going to be satisfied to go to the country and work 12 hours a day for \$1.50 or \$2.

If there ever was a time calling for conservation and lower cost of living, I think it is right now. It is an emergency. It is not a question of what is going to happen a hundred years from now; but it is a question of what is going to happen right away. We have abandoned farms and abandoned ranches down there already; and the enactment of this legislation would break the "camel's" back and put a great many men out of business.—*Extracts, see 1, p. 178.*

A Glossary of Immigration Terms

Continued from page 148

Non-Quota Status—The exemption from quota limitation of aliens under the provisions of the immigration laws.

Nordic—Of or pertaining to the races of Northern Europe. As commonly accepted the Nordic races include the Germans, Danes, Swedes, Norwegians and English.

Numerical Restriction—This term applies to the provisions of the immigration laws limiting the number of immigrants that may come from certain countries.

Passport Visa—An authentication of notation by an American consular officer upon the passport of an alien, describing him as a non-immigrant, and approving of such alien's departure for the United States to apply for admission as a "non-immigrant."

Person—A person under the immigration laws is an individual, a partnership, a corporation or an association.

Public Charge—An alien who has been or is an inmate of an institution, maintained wholly or in part by funds of a municipality, county, state or the nation, when such alien does not pay the cost of his expense therein.

Quota—The number of aliens of a particular nationality

not exempt from numerical limitation who may enter the United States annually as immigrants.

Reentry—Under the immigration laws reentry refers to the coming back into the United States of an immigrant who has previously been lawfully admitted and who is returning from a visit abroad.

Return Entry Permit—A document which may be used in lieu of a non-quota immigration visa by an immigrant lawfully admitted to the United States to establish exemption from quota limitation. A return entry permit is issued by the Commissioner General of Immigration prior to departure from the United States upon application by an alien departing temporarily from the country.

Registration—Laws providing for the registration of aliens have been urged from time to time, but none has been passed.

Selective Immigration—The granting of immigration visas by approval of officers of the U. S. according to the needs of the U. S. and its inhabitants. This term includes those to whom preference should be given on account of family relationships in America and those especially needed in agriculture and industries of the U. S.

The White House Calendar

Continued from page 172

April 14—A communication transmitting a supplemental estimate of \$20,000 for the Senate.

April 14—A communication transmitting a supplemental estimate of \$1,200,000 for the Treasury for public buildings authorized under the Act of May 25, 1926.

April 14—A message transmitting deficiency estimates of appropriations for the Postoffice Department of \$48,495.32, with approval of draft of legislation affecting the use of this appropriation.

April 14—A communication transmitting a supplemental estimates of \$608,560 for the Treasury.

April 16—A communication transmitting supplemental

estimate of \$50,000 for the Department of State.

April 18—A communication transmitting supplemental estimate of \$175,000 for public buildings construction under the act of May 25, 1926.

April 18—Fenton W. Booth of Illinois to be chief justice of the Court of Claims.

April 18—Nicholas J. Sinnott, of Oregon to be judge of the Court of Claims.

April 18—Thomas Bolton, of Montana, to be United States marshal, district of Montana.

April 19—A communication transmitting a supplemental estimate of \$1200 for the Senate.

Sources from Which Material in This Number is Taken

Articles for which no source is given have been specially prepared for this number of *The Congressional Digest*

1. Hearings before the Committee on Immigration of the Senate, February 1 to March 5, 1928.

2. Hearings before the Committee on Immigration and Naturalization of the House, February 21 to April 5, 1928.

Statement of Ownership

(Required by Act of Congress, August 24, 1912)

OF THE CONGRESSIONAL DIGEST, published monthly (except for months of July and August), at Washington, D. C., for April, 1928.

Before me, a Notary Public in and for the District of Columbia, City of Washington, personally appeared Alice Gram Robinson who, having been duly sworn according to law, deposes and says she is the Editor, Publisher and Owner of THE CONGRESSIONAL DIGEST and that the following is, to the best of her knowledge and belief, a true statement of the ownership, management, etc., of the aforesaid publication for the date shown in the above caption, required by the Act of August 24, 1912, embodied in Section 443, Postal Laws and Regulations, to-wit:

1. That the name and address of the publisher, editor, managing

editor, and business manager is: Alice Gram Robinson, Munsey Building, Washington, D. C.

2. That the owner is: Alice Gram Robinson, Munsey Building, Washington, D. C.

3. That the known bondholders, mortgagors, and other security holders owning or holding one per cent or more of total amount of bonds, mortgages, or other securities are (if there are none, so state). None.

Alice Gram Robinson,

Signature of Editor, Publisher and Owner.

Sworn to and subscribed before me this first day of April, 1928.

JOSEPH STEARNS, Notary Public.

My commission expires March 18, 1930.

The Congressional Digest

The Pro and Con Monthly

Back Numbers of Current Importance Still Available

Numbers starred are exhausted except in bound volumes.

The subjects listed represent the pro and con feature of the number.

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